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ARCHIVES OF MARYLAND

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY OF MARYLAND

OCT. 25, 1711–OCT. 9, 1714

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

WILLIAM HAND BROWNE
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Rooms of the Maryland Historical Society,

Baltimore, *January* 30, 1909.

To the Maryland Historical Society:

Gentlemen:

We have the honor to submit the Twenty-ninth Volume of the Maryland Archives, being the Proceedings and Acts of the General Assembly of Maryland from Oct. 25, 1711, to Oct. 9, 1714.

Respectfully,

Clayton C. Hall,
Henry Stockbridge, Jr.,
Bernard C. Steiner,
Committee.

ARCHIVES OF MARYLAND.

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PREFACE.

The present volume contains the Proceedings and Acts of the Assembly for the years 1711–1714.

During these years not much of moment occurred. The Province remained without a Governor, Edward Lloyd, President of the Council, acting in that capacity until the arrival of Governor John Hart, with the Queen's commission, in 1714. During this interregnum many matters of importance were postponed until the Governor's arrival. President Lloyd was cautious in the exercise of his powers, and there was less than the usual amount of bickering between the two Houses.

One disagreement, however, arose from the clamorous demands of Sir Thomas Lawrence. That gentleman had been appointed Royal Secretary of the Province, and by a temporary Act renewed from time to time the fines on ordinary licenses had been assigned to him as his salary. In 1704 he returned to England, where he did nothing for the Province, but continued to demand his salary. The Assembly demurred, on the ground that the salary had never been attached to the office, and that as he rendered no service, he was entitled to no compensation. He succeeded in enlisting the Queen (that is, the Privy Council) in his behalf; and the Lower House, in 1709, forwarded a memorial to Her Majesty setting forth the facts of the case. Of this they received no acknowledgment. Lawrence kept up his importunities, and the Queen wrote to the acting Governor urging his claims. The Lower House stood firm, alleging it as their belief that the Queen had never received their memorial. Both Houses, however, agreed that it was desirable that the Province should have an agent in England; but they would have one of their own choosing, and for that service they fixed upon Col. Nathaniel Blakiston.

The Queen had ordered a revision of all the laws of the Province, and the compilation of a complete code. The October Session of 1714

was especially called for this purpose, but the news of the Queen's death on August 1 caused the postponement of that work to the next year.

In 1712, after several false starts, the court-house for Baltimore County was fixed at Joppa.

Hitherto for the Acts of Assembly we have had the MS. records. But Liber LL 4, which contained the Acts of these sessions, cannot be found. We have been compelled, therefore, to take the Acts from the compilation published in 1765 by the Rev. Thomas Bacon, who had the missing Liber. He prints only the public laws, giving private bills only by titles, which it has seemed superfluous to reprint, as inquirers can consult Bacon. A few Acts not printed by Bacon have been taken from Baskett's Acts of the Maryland Assembly (1723). For the Acts of 1715, amounting to a complete code, we have fortunately a manuscript record among the Calvert Papers.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, Oct. 23 to Nov. 3, 1711.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

EDWARD LLOYD,
President of Council.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss. U. H. J. p. 690

Att the Council held at the Council Chamber in the City of Annapolis Tuesday October the 23[d] in the tenth year of the Reign of our Sovereign Lady Queen Ann of Great Brittain &c. Annoq Domini 1711.

Present

The Honble Edward Lloyd Esq[r] President

{ Col W[m] Coursey
{ Col Tho[s] Ennalls and L[t] Col Charles Greenberry }

This being the day appointed for the meeting of the General Assembly. The honble President was pleased to communicate to the members of the Board now present what He intended to say to the House of Delegates upon the opening of the Session and desired their advice if it might be fitt to retrench or add any thing thereto. Of which the Gentlemen of the Council having expressed their good Liking & Concurrence say they do believe the same will be very proper on this occasion

The Board adjourned for an Hour

Post Meridiem

The Council met Present as before with the addition of the Honble Samuel Young Esq[r] Col Thomas Addison and Col Rich[d] Tilghman. p. 691

M[r] Wornel Hunt and M[r] Robert Ungle come from the House of Delegates and say they are required by M[r] Speaker and the House to acquaint the honble Presid[t] & Council that they are enough to make an House & wait their Commands. Col Greenberry & Col Addison were sent to require M[r] Speaker and the Members of the House of Delegates to attend the honble Presid[t] in Council.

After which M[r] Speaker and the members of the House of Delegates came up to the Council Chamber where the honble Presid[t] bespake them as followeth

M[r] Speaker and you
Gent of the House of Delegates }

I have thought it expedient with the Advice of her Majesty's honble Council to convene you now It being the usual Time to consider of & assess the publick Charge of the Province

U. H. J. also to Communicate to you the R^t^ honble the Lords of Trade and Plantations reasons for moving her Majesty for her Disallowance of the Several Acts passed in the Assembly held in the year 1709 And that they have upon that occasion signifyed if any of those Laws be absolutely necessary for the good Governm^t^ & Welfare of the Province they may be reenacted.

I doubt not but you will believe some of them are of Consequence and am Convinced of your good Inclination to serve your Country

p. 692 Gentlem. Since you are apprised that I am instructed not to pass any Acts but what are immediately necessary for the Peace and Welfare of the Province without her Majesty's particular order for that Purpose—I am induced to believe you will prudently forbear any fruitless Essay of that kind whereby you may prolong this Session and add to the Charge of the Province

I can truly say I have not only been careful of placing as little Charges on the Country as I could or as the Emergency of Affairs has obliged but have used my Endeavours to retrench them as much as I might. Therefore have great Reason to expect that you Gentlemen will use your utmost Efforts to dispatch the necessary Business of this Session in a few days by which you will most lively demonstrate to your Several Electors the true Regard you have of their Interest in putting them to as little Charge as may be especially now at a time when our unhappy Circumstances are not in a Condition to bear any extraordinary Expence

After which Mr Speaker and the Delegates took Leave and repaired to their House

The Board adjourned until eight of the Clock to morrow morning

Wednesday October 24th 1711.

The Council in Assembly Sate Present

The Honble President

Col Coursey	Lt Col Greenberry
Col Ennalls	Lt Col Addison
Sam Young Esqr	Lt Col Richd Tilghman
Col Thos Greenfield	Capt John Dorsey

p. 693 Resolved that the following Message be sent to the House of Delegates. Viz

By the honble Presid^t^ & Council in Assembly
October the 24th 1711

Gentlem. Herewith is sent you the Right honble the Lords of Trade and Plantations Letter of the 8th of November 1710

with their representation and her Majesty's Order for disal- U. H. J.
lowing the Several Acts of Assembly made in November 1709 for the Reasons in the said Representations Sett forth

Upon receipt whereof We need not now to tell you that Proclamations have issued for repealing the afd Laws but must observe to you their Lordships kind Intimation that if any of the sd Laws be of absolute necessity for the good Governmt & Welfare of the Province they may be reenacted as in their Lordships' Letter pursuant to her Majestys late Instruction transmitted us is prescribed

And forasmuch as we are truly Sensible Several of those Acts are absolutely necessary for the good Governmt and Welfare of the Province & especially those for regulating the Militia and Limitting Officers Fees We must recommend them to your Consideration to be reenacted not doubting but that the Advantages thereby as well as the Dangers & Inconveniencys for want thereof are obvious to us all

Signed p order W Bladen Cl Coun.

And Sent by Col Coursey Col Ennalls Col Greenberry & Col Addison

Who return & say they have delivered their Message.

Mr West and Mr Vanderheyden from the House of Dele- p. 694
gates present Mr Henry Ward a Delegate lately Elected for Cecil County to be Sworn. Which was done at the Board and the said Mr Ward Subscribed the Test and Oath of Abjuration.

The Rt Honble the Earl of Dartmouth's Letter of the 28th of June 1711 with her Majestys additional Instructions to the Commander in chief of this Province for the Time being dated at Kensington the 26th June 1711 in the tenth year of her Majestys Reign & under her Sign manual & privy Seale being read at the Board

Advised and Resolved that the following Message be sent to the House of Delegates Viz.

By the Honble President & Council in Assembly
October the 24th 1711

The honble Presidt having received her Sacred Majestys royal Commands by way of Instructions to recommend to you the Conforming our Gauge of Tobo Hhds with those of our neighbours in Virginia and the passing a Law for that Purpose with permission likewise to make an Act to prevent the cropping of Tobo Hhds with a penalty therein not exceeding what shall be imposed on such who Exceed the Gauge of them

U. H. J. In obedience thereto the said Instructions are herewith sent you and the Enacting the s[d] Laws earnestly recommended to you by which our Trade will be encouraged and our Tobaccos Secured from the Damages Sustained as formerly.

p. 695 Gentlem. You will also by her Majesty's royal Instruction & the Representation of the Lords of Trade and Plantations be Sensible of the absolute necessity of impowering some proper Person to act as our Agent in Great Brittain for want whereof we may suffer in things most reasonably proposed by us

Signed p Order W Bladen Cl Coun.

Then was read the Petition of Henry Mudd of Charles County which was referred to the Consideration of the House of Delegates

Then was read the R[t] Honble and R[t] Rever[d] the Lord Bishop of London's Letter in favour of the Reverend M[r] Christopher Wilkinson by his Lordship sent into this Province & recommended to officiate as Rector of All hallows Parish in Somersett County Whereupon It was advised that the Honble Presid[t] appoint him to the s[d] Parish

The Board adjourned until to morrow morning at eight of the Clock.

Thursday October 25th 1711

The Council Sate Present as yesterday

The Petition of Matthew Mason of Kent County was read & referred to the House of Delegates

Major Gale and five other members bring from their House the following answer to the Presidents Speech at the opening of the Session Viz.

To her Majesty's honble Council

We the Delegates and Representatives at this Time assem-
p. 696 bled do with all Humility return your Honours our hearty Thanks for your affectionate Speech to us at the opening of this Session and your free and candid Communication to this House of the R[t] Honble the Lords of Trade & Plantations disallowing of the severall Acts passed in the Assembly in the year 1709 and their Signification if any of those Laws be absolutely necessary for the Welfare of this Province they may be reenacted doubtless some of them are of great moment and so far tend to the preservation of the Peace & Tranquillity of the Province that it would be in Eminent Danger without their Safe guard

And that we may not be longer wanting to do our Country the Service of Just & true Patriots thereof the first of our

Thoughts shall be Employed in Considering what Laws are U. H. J.
absolutely necessary to be reenacted & that with as little
Charge to the Province as the Affair thereof will admitt This
House having (as representatives of their Several Countys
wherein they lived) been ever tender of the Charges they put
their Electors to, especially at such Times as these when our
Country wants so much Assistance & Relief.

We hope the Business of this Session will be speedily
Ended and that therein we shall have the opportunity of
serving our Country in such Affairs as may answer the Charge
of our convening, And as there can be nothing which can
more contribute to the Service of our Country or the Security
& relief thereof than a right & a good understanding between
your Honour & us It shall be the daily Subject matter of our
Applications in Studying all things that may tend thereto and p. 697
promote the Welfare of this poor Province. And tho' we
labour under the worst of Times We doubt not your Honour
will persevere in taking all reasonable methods to the ad-
vancem[t] thereof with due regard to the Expence and Charge
of the Province in General Assuring your Honour we have no
other Aim but to shew our selves true Patriotts Loyal Sub-
jects respectful to your Honour & Council & truly careful of
the Interest & happiness of our Electors

Signed p order of the House of
October 25th 1711 Deleg[s] p R Dallam Cl.

Col Nicholas Low and three other Members from the
House of Delegates Viz.

By the House of Delegates
October the 25th 1711

This House having Considered your Honours Message
relating to the reenacting of several Laws disallowed of by
her Majesty and particularly the Act for Limitation of officers
Fees which this House are humbly of opinion wants several
Regulations pray your Honours to appoint some Members of
her Majesty's honble Council to Join in Conference with some
of the Members of this House to consider thereof and that
your Honours please to appoint the time & place

Signed p Order R Dallam Cl Ho Del.

The aforegoing Message from the House being read was
ordered to lye on the Table

The Message resolved on yesterday relating to the Gauge p. 698
of Tob[o] Hhds &c sent to the House by Col Coursey Col
Greenberry Cap[t] Dorsey & Col Tilghman

U. H. J. The Petition of S[t] Marys County praying an Act to revive the Process of their County Court was read & recommended to the House of Delegates and sent them together with Henry Mudds & Matthew Mason's Petition by Col Ennalls

The Houses Message by Col Lowe M[r] Ungle M[r] Hudson and M[r] Robins being taken into Consideration the following answer was sent thereto by Col Greenberry & Col Tilghman

By the Council in Assembly
October the 25th 1711

Since we have so often lett you know we cannot advise the Presid[t] to act any thing contrary to her Majesty's Instructions we admire you should now insist upon Regulating the Act for limitting Officers Fees having formerly agreed to refer that Matter to the Arrival of a Cap[t] Gen[l] which as it cannot be Expected will be long so It will also be the most proper and convenient time to Settle those fees. And therefore we propose that the Law be reenacted as heretofore least for want thereof the officers be obliged to prosecute Actions for their Fees to the great oppression of the good People of the Province

We cannot consent to any regulation of that Law at this Time & therefore think it will be to no purpose to spend time in Conference thereon

Signed ꝑ Order W Bladen Cl Coun

p. 699 M[r] Macall M[r] Roberts bring from the House of Delegates, M[r] Joseph Lamberts Petition and the following message Viz.

To the Honble Robert Bradley Esq[r] & the rest of the Honble House of Assembly

The Humble Petition of Joseph Lambert

Humbly Sheweth

That your Petitioner being the only surviving Executor of the late dec[d] the Reverend M[r] John Lillingston cannot in Conscience but represent to your Honours the great Loss that the orphans of the said M[r] Lillingston Sustain by being denyed the 40 ꝑ poll for that year Viz. 1709 in the which It pleased Almighty God to call their Father to his Everlasting Rest

It is well known that the s[d] Dec[d] Served in the Parish of S[t] Pauls many years before there was any ministerial maintenance Established in the Province In which Time he could scarce acquire the bare necessarys of Life for his painful & faithful Labours. And since the Establishm[t] of the 40 ꝑ poll

wherewith he had to Exercise his charity It has been extensive and conspicuous even to the maintenance of some whole Familys, and to other pious & Charitable uses the Benefitt of which altho he now reaps in Heaven yet his poor Children want it here on Earth. U. H. J.

The only design of this therefore is humbly to offer unto your Honours whether or not a legal Induction gives right to the 40 ℔ poll of that year in which It is made and if so then yearly & every year during the Life of the Incumb^{t} as moreover that the better part of that year for which We claim the 40 ℔ poll was expired before the Death of the s^{d} Mr Lillington that is if the 40 ℔ poll becomes due from the taking the Taxables (which your Petitioner believes it does) then the dec^{d} served ten, if only from Novem^{r} Court then six months all which your Petitioner humbly leaves to your discretional Judgem^{t} and Determination hoping that your Honours will be pleased to order your Petitioner the full paym^{t} of the 40 ℔ poll for the year 1709 as af^{d} as being Exec^{r} as af^{d} p. 700

And your Petitioner as in Duty
bound shall ever pray &c
Joseph Lambert

By the House of Delegates
October the 25th 1711

Upon reading the Petition of Mr Joseph Lambert on behalf of Mr Lillingston's Children This House are of opinion the whole 40 pds of tob^{o} ℔ poll ought to be payd to Mr Lillingston's Children for that year in which their Father dyed and on their behalf pray the honble Presid^{t} & Council to order the Sheriff to pay the same to them

Signed ℔ Order R Dallam Cl Ho Del.

Ordered the said Message and Petition lye upon the Table for further Consideration

And then the Board adjourned until nine of the Clock to morrow morning

Fryday October the 26th 1711

The Council Sate Present as yesterday

Mr Greenfield and three other members bring from the House of Delegates—

A Bill reviving and continuing the Militia Act and supplying some Defects therein p. 701

A Bill appointing how long suspected Runaways shall lye in Prison

U. H. J. A Bill to reform the ill practices of the high Sherriffs of this Province

A Bill to settle Lands on Wm Hickman of Calvert County.

Which said Bills were read the first & second times and sent to the House with Mr Stoakes's petition by Col Coursey and Capt Dorsey.

It being moved by the Attorney General at the request of the vestry of All Faith's Parish in St Marys and Charles Countys that Mr Joseph Manning's (the late Sherriff of Charles County) Bond may be assigned them upon his refusal to pay them and the present Incumb^t^ 5400 lb tob^o^ Ordered that the s^d^ Bond be to her Majesty's Attorney Genl delivered by her Matys Secretary to prosecute

Mr Hunt and Mr Bowles from the House of Delegates came and saw Mr Rousby Sworn to his Naval officers Accompts at Patuxent

The return of Major George Gale & Capt John Ballard relating to the Nanticoke Indians being taken into Consideration—Resolved the following Message be sent the House of Delegates by Col Greenberry Viz^t^

By the Council in Assembly
October 26th 1711

By the late order of Council & return from Lt Col Gale & Capt Ballard thereof you will find the Nanticoke Indians are much dissatisfyed they may not be permitted to continue at
p. 702 Broad Creek where they are Sat down. We cannot think it prudent to have any difference with them especially at this Time when our Fellow Subjects in North Carolina are at open Rupture with the Tuskarores and therefore recommend it to your Consideration how to procure their Satisfaction either by purchasing the three thous^d^ Acres they are now seated on or such other means as you may judge effectual thereto

Signed p order W Blad Cl Coun.

Advised and resolved that it be recommended to the House of Delegates that small tight twelve foot Houses be built in each County as Magazines for the Arms & Ammunition to be lodged in at or near the County Court Houses at the Charge of the respective Countys by which means the s^d^ Arms &c may be lyable to be visitted oftner & kept in better repair and thereupon the following Message was sent to the House by Col Addison & Capt Dorsey

By the Presid^t^ & Council in Assembly
October the 26th 1711

On due reflection had how often the publick & County Arms & Ammunition in the respective Countys are imbezelled

& rendred unserviceable upon any sudden Emergency for the U. H. J.
Defence of the Province by their being distributed into several hands which renders the visitting those Arms & Ammunition difficult and thereby Exposes them to be misapplyed—

We cannot but think it is absolutely necessary for the Welfare of the Province that small tight twelve foot houses or such as may be thought convenient be built in each County at or near the County Court Houses as Magazines wherein to p. 703
lodge the Arms & Ammunition of each respective County by which they may be frequently visitted & kept in better Repair at Small expence

Signed p order W Bladen Cl Coun.

Col Holland came & was added to the Board

Mr Macall and three other members bring up a Bill to make good & Valid the proceedings of St Mary's County Court &

A Bill for the Relief of Tobias & John Pollard Read in the House the first & second times which being read at this Board the first & second Times were sent back to the House by Col Greenberry and Col Tilghman

Mr Tyler brought up Prince Georges County's Petition against the ferry at Mount Calvert voted an Aggrievance by the House of Delegates

To which the Board Concur and thereupon ordered that the Justices of Prince Georges County Court do not further continue the said Ferry at the County Charge

Capt Jones & Mr Dare came from the House and saw Mr John Rogers Sworn to his Naval officers Accompt of Potowmack District

James Preston appears on recognizance & upon his Petition setting forth that he was Windbound & could not come to the muster is dismissed on promise to do his Duty

The Board adjourned until nine of the Clock to morrow morning

Saturday October the 27th 1711.

The Council Sate Present as yesterday p. 704

Mr Walter Campbell and two other Delegates bring up the following Message Viz.

By the House of Delegates
October 27th 1711

Upon Application of the Committee of Accompts to this House for directions in allowing for the Seals to the Laws sent for England—The House resolved that they ought to

U. H. J. allow but for two Seals every Session according to the Resolve of this House in 1704 & pray your Honours Concurrence
Signed p Order R Dallam Cl Ho Del.

Which being read the following answer was sent thereto by Mr Young & Capt Dorsey Vizt

By the Council in Assembly
October 27th 1711

In Answer to your Message by Mr Campbell & two others of your House we send you a Copy of one of her Majestys royal Instructions and it being her express Commands that Duplicates of the Laws should be sent to her Majesty & the Lords Commrs of Trade & Plantations under the Seal of this Province we cannot Concur with your resolve
Signed p Order W Bladen Cl Coun.

Copy of the Instruction

You are to transmitt authentick Copys of all Laws Statutes & Ordinances that are now made & in force which have not yet been sent or which at any time hereafter shall be made or Enacted within our said Province Each of them separately under the publick Seal unto us & our Commrs for Trade &
p. 705 Plantations within three months or by the first opportunity after their being Enacted together with Duplicates thereof by the next Conveyance under pain of our highest Displeasure, & the forfeiture of that years Sallary, wherein you shall at any Time or upon any Pretence whatsoever omitt to send over the sd Laws Statutes and Ordinances as afd within the Time above limitted as also of such other Penalty as we shall please to inflict

The Petition of Mr John Hawkins Senr & Henry Wright of Queen Anns County read & referred to the House of Delegates and sent by Col Coursey

Whereas Capt Charles Kilburn late Capt of the City Company of Annapolis has sold his Interest there and removed into the Country

Ordered that a Commission be prepared for Wornel Hunt Esqr to command that Company

Mr Tyler & Mr Scott from the House saw Wm Bladen Naval officer of Annapolis sworn to his Accompts

Mr Vanderheyden and Capt Crabb saw Mr Stephen Knight Naval Officer at the Head of the Bay sworn to his Accompts

It having been moved on the behalf of the honble Col Nathaniel Blakiston late Agent for this Province that satisfac-

tion should be made him for his Agency which had not yet been fully done U. H. J.

Resolved the following Message be sent to the House Viz.

By the Council in Assembly
October the 27th 1711

We send this to put you in mind of the Application made you last Session for Satisfaction of the remaining part of the Sallary due to the honble Col Blakiston as Agent for this Province, and desire that you will now take Care that he be Satisfied his just Claim to the Time you were pleased to dismiss him p. 706

Signed p order W Bladen Cl Coun.

Sent by C Tilghman

Mr Scott & two other Delegates bring from the House Viz

By the House of Delegates
October 27th 1711

This House have considered your Honours' Message about the appointing an Agent & since you have so frankly communicated to us your Resolutions not to advise the honble Presidt to pass any Act of moment until the Arrival of a Capt General—which in all probability may be suddenly expected and an Assembly called wherein we expect the many Aggrievances this Province labours under will be redressed And we under a necessity of having an Agent in Great Brittain—Have resolved to refer the appointing any until then and pray your Honours will concur with us herein. And if in the mean Time your Honours please to recommend two or three persons for that Purpose we shall consider thereof

Signed p Order R Dallam Cl Ho Del

Saml Meek's Petition read & referred to the House of Delegates

Capt John Bradford's petitn read and recommended to the House of Delegates & sent by Col Tilghman

John Brown of Baltimore County appeared & made his Submission promissing to ask pardon of Capt Anthony Drew his Commander for refusing to obey his Commands. Was thereupon dismissed p. 707

The Council adjourned until Eight of the Clock on Monday Morning

U. H. J. Monday October the 29th 1711

The Council in Assembly Sate Present
The Honble Edw[d] Lloyd Esq[r] President

Col Holland Col Coursey Col Ennalls M[r] Young Col Greenfield Col Greenberry Col Addison Cap[t] Dorsey and Colonel Tilghman

And the last Message from the House by Cap[t] Scott & others being Considered the following Answer was sent thereto by Col Ennalls & Sam[l] Young Esq[r] Viz.

By the Council in Assembly
October 29th 1711

In answer to the Houses Message by M[r] Scott and three other Members concerning the appointing an Agent for this Province Had your House thought fitt now to have complyed with her Majesty's Pleasure therein We should not have thought it improper to have named to you some Persons for that Trust but seeing you refer it to the next Assembly we must be Content then to enforce that her Majesty's gracious Recommendation 'tho we cannot but think it necessary an Agent should be now appointed

Signed p Order W Bladen Cl Coun.

Col Low and three other Members bring up a Bill to ascertain the Gauge of Tob[o] Hhds & to prevent cropping and defacing of tob[o]

p. 708 A Bill to confirm the Enlargem[t] & discharge of Persons released by Virtue of the Act for the relief of Debtors and languishing Prisoners

A Bill impowering Comm[rs] to lay out Lands for the Nanticoke Indians

A Bill confirming Land to Col Holland Rich[d] Harrison & Sam[l] Chew

A Bill impowering Thomas Edmonson to sell Lands for the paym[t] of John Edmonsons Debts

A Bill for relief of Robert Roberts of Queen Ann's County and—

A Bill for relief of John Stoakes's son which were read in the House the first & Second Times

The Board adjourned until eight of the Clock to morrow Morning.

Tuesday October the 30th 1711

The Council Sate Present as yesterday

M[r] Samuel Worthington and three other Delegates bring from their House

A Bill to confirm Lands to Major John Hawkins & Henry Wright U. H. J.

A Bill to confirm a Deed or Release from Susannah Tracy to James Heath of Ann Arundel County Gentl noted—read in your House the first & second time—And the following Message Viz.

By the House of Delegates
Octob^{r} 30th 1711

This House have considered & Debated the Message and Instructions relating to the Sealing the Copys of the Laws sent to great Brittain & cannot see any Reason to induce them to recede from their former Resolve of paying but for two Seals every Session and that only for publick Acts And as for Seals for private Acts have resolved the publick ought p. 709 not to pay for any but the Persons in whose favour such private Acts pass ought to pay the Same

We have likewise considered & debated the Message relating to building Houses for Magazines in every County. And have resolved upon the Question put that such Houses are not necessary or convenient to be built but that they will the next Session of Assembly consider of some method to preserve the Arms and Ammunition

Signed p Order R Dallam Cl Ho Del.

The Bill proposed by the House for confirming the Discharge of poor Debtors being read at the Board—It is their opinion that whatsoever has been done in pursuance of that Law & until such Time as her Majesty's Disassent thereto was published here, was & is well done & ought not to be disputed by any of the Courts of this Province provided the Directions of the s^{d} Law have been duly complyed with

And therefore they do not think the Bill now proposed any wise necessary But if the House are of the contrary opinion resolved the Consideration thereof be referred to the next Session after the Arrival of a Governour.

And the same was remarked on the back of the said Bill

The Bill ascertaining the Gauge of Tob^{o} Hhds & to prevent the cropping Tob^{o} was read the first & Second Times & so Endorsed will pass.

The Bill impowering Comm^{rs} to lay out Lands for the Nan- p. 710 ticoke Indians read the first Time and recommended that the Lands be Vested in some persons and their Heirs capable of taking for the use of those Indians the publick not being so & that there be a Clause in the Law to barr minors Femes Coverts &c And to oblige the Comm^{rs} to return their Proceedings to be recorded in the Secretary's Office & Somersett County Court

U. H. J. The Bill confirming Lands to Col Holland & Richard Harrison & Sam[l] Chew

The Bill impowering Tho[s] Edmonson to sell Lands for paym[t] of John Edmonson's debts—And the Bill for Relief of John Stoakes's son were read at the Board the first & second Times

As also the Bill for Relief of Robert Roberts of Queen Anns County and with the several Endorsem[ts] thereon sent to the House of Delegates by Col Ennalls & Col Tilghman

The Petition of Richard & Alexander Wharfield Ex[rs] of John Howard of Ann Arundel County Gent read & rejected

The Bill to confirm a Deed of Release from Susannah Tracy to James Heath—And

The Bill to confirm Lands to Major John Hawkins & Henry Wright were read at the Board the first & second Times

It being represented by the honble Cap[t] Dorsey that there is an absolute necessity for the Ease of the Inhabitants at Elk Ridge & on the South Side of Patapsco River in Baltimore County that two more Justices of the peace &c should be
p. 711 added to the present Commission

Resolved and ordered that M[r] Joshua Dorsey & M[r] John Hammond be added thereto

The Petition of William Holmes and his Wife read and referred to the Justices of Prince George's County Court to proceed thereon according to Act of Assembly in ascertaining how long and to whom the Petitioners shall serve in Satisfaction to their fees

The Board adjourned until eight of the Clock to Morrow Morning

Wednesday October the 31st 1711

The Council Sate Present as yesterday

Col Low and seven other members bring up a Bill reviving an Act for Limitation of officers fees Read in the House of Delegates the first & second Times by Special Order

Which was twice read at this Board and Endorsed will pass

The s[d] Col Lowe and the af[d] seven Members brought up the following address Viz.

To the Honble Edw[d] Lloyd Esq[r] Presid[t] & the rest of the Members of her Majesty's honble Council of Maryland

The humble Address of the Deputys & Delegates of the s[d] Province now in Assembly convened.

May it please your Honours

It is with the greatest Grief & Regrett too we are obliged now to address your Honours to redress an Aggrievance

complained of to this House by the Committee of Aggrievances upon the Petition of Several of the Inhabitants of this Province—that after any Law or Acts assented to by your Honours & this House, and passed the Great Seale here (before her most sacred Majesty's Disallowance thereof Signifyed) should be held for Null and Void—by some of the Justices of the Provincial Court & particularly the Act passed the last Session for relieving some Aggrievances for notwithstanding that Act, as the petition setts forth several ꝑsons are still sued and prosecuted in the s^{d} Court for small sums U. H. J. p. 712

We cannot but conceive & agree with the Petit^{rs} that Attornys are Encouraged so to do by the favour of the Person that in the said Court Acts both as a Judicial & Ministerial Officer

We assure your Honours we have no other End herein but out of a due & tender regard & duty incumb^{t} on us to endeavour to redress the Aggrievances of the People we represent—

And we do with all dutiful respect lay the s^{d} Aggrievances before your Honours not doubting or any wise apprehending but that your Honours will (notwithstanding the relation between the Person and your Honble Board) have a just & tender regard to the Satisfaction & relief of her Majesty's Subjects & in your Wisdoms redress such Aggrievances as are laid before you by the representative Body of this Province, and we conceive this to be one of the first Rank & worthy your Honours Consideration And tho we can have no suspicion of that Gentleman's Honour and Integrity yet we crave leave to say it is an ill Precedent and may be of ill Consequence if in process of Time any avaritious or designing Person should be in that Station p. 713

Signed ꝑ Order R Dallam Cl Ho Del

Ordered that the said Address lye on the Table to be considered by the members of this Board

Mr Worthington and two other Members from the House acquaint the Board that the Nanticoke Indians complain that money was lodged for Satisfaction of the Injury done them by the Malletts. Which they have not yet received. And therefore desire Enquiry might be made where the same is lodged

Ordered that Enquiry be made accordingly

Capt West & three other Delegates bring up a Bill impowering Thos Edmonson to Sell Lands for the paym^{t} of John Edmonsons Debts

U. H. J. A Bill impowering Comm^rs to lay out Lands for the Nanticoke Indians

A Bill for the naturalization of Peter Sanders and others and—

A Bill for investing Lands in Richd Bennet Esqr which said Bills were read and agreed to & sent to the House by Mr Young & Col Greenberry together with the Bill for reviving the Act for Limitation of Officers Fees

Mr Tyler again brought up the Petition of the Inhabitants of P. Georges County against Mount Calvert Ferry. Endorsed
p. 714 by the House of Delegates October the 31st

Ordered that the Justices of Prince George's County do not presume to levy any Tob^o on the County for keeping the Ferry at Mount Calvert

And the s^d Mr Tyler and Mr Lee say they are sent with an Ordinance of Assembly relating to Mount Calvert Ferry and the minute thereof in the Journal of the House of Delegates—Octob^r 27th Anno 1710—in the folio 14 being inspected & perused

This Board do not take the same to be any ordinance of Assembly their Concurrence not being given or so much as desired thereto

This resolve being Endorsed on the Petition was sent to the House by Col Addison

Mr Philips & Mr Bordley brought up the Journal of the Committee of Accompts Which was read & assented to by his Board & returned to the House by Col Tilghman

Mr Greenfield & Capt Crabb bring up the Bill for reinvesting a certain Tract of Land in Seawards Heirs.

Which being read at the Board is referred till the next Session—The Lord Propry having no Agent at present to be heard thereto according to former Order last Session

The af^d Bill with the aforegoing Endorsm^t thereon was Sent to the House of Delegates by Col Addison

And the Board adjourned until eight of the Clock to Morrow Morning

Thursday Novem^r the first 1711

p. 715 Mr Bordley & Mr Hill bring from their House Viz.

By the House of Delegates Novr 1st 1711

This House have appointed Mr Philips Mr Hill Mr Boardley Mr Bradford & Mr Scott to join with some of the members of her Majestys honble Council to apportion the publick Levy

Signed p order R Dallam Cl Ho Del

The honble Sam[l] Young Esq[r] & Col Charles Greenberry U. H. J.
appointed to join with some of the Members of the House as
a Committee for apportioning the publick Levy and the af[d]
Gent. sent to acquaint the House thereof

M[r] James Bowles & three other Delegates bring up the following engrossed Bills viz.

A Bill appointing how long Suspected Runaways shall lie in prison.

A Bill for reviving & Continuing an Act of Assembly of this Province Entituled an Act for the ordering & regulating the militia of this Province for the better defence & Security thereof & for supplying some Defects therein

A Bill for Settling and Vesting an Estate of Inheritance in fee simple of & In one hund[d] & fifty Acres of Land lying in Calvert County on W[m] Hickman of Calvert County Carpenter Son & Heir of W[m] Hickman dec[d] And by the s[d] Hickman the Father purchased of & from a certain Tho[s] Hinton.

A Bill for the naturalization of Peter Saunders of Talbot County Planter & his Children, Stephen Rashoon of the same County Planter & his Children, & William Cody of Charles p. 716
County Taylor & his Children

A Bill confirming the Title of Land therein mentioned unto Col William Holland Rich[d] Harrison and Sam[l] Chew

A Bill reviving an Act for Limitation of officers' Fees

A Bill to reform the ill practices of Sheriffs within this Province

A Bill for the relief of Tobias Pollard and John Pollard of Dorchester County Gentl.

A Bill impowering Robert Roberts of Queen Ann's County to Sell part of a Tract of Land lying in Cecil County called New Munster late the Land of John Toas for the uses therein mentioned and to make good & Valid such Sale and—

A Bill to make good & Valid in Law all Process & Proceedings of S[t] Mary's County Court from the 8th day of June this present year to the first Tuesday of Novem[r] next Ensuing

All which Bills were Endorsed November the 1st 1711

Read & assented to by the House of Delegates and they being likewise read & assented to by this Board were returned to the House of Delegates by Col Ennalls & Col Tilghman

L[t] Col Gale and three other members of the House brought up a Bill to Vest two Tracts of Land in Rich[d] Bennett Esq[r] late the Land of Jn[o] Howell Endorsed—read again in the House of Delegates & will pass as amended.

U. H. J. p. 717 The said Bill was again read at this Board and Endorsed will pass & sent to the House by Col Holland

The s^d^ Lt Col Gale & the three other members also brought up an Engrossed Bill, impowering Thos Edmonson of Talbott County Surviving Exec^r^ of his Father John Edmonson to Sell & dispose of the Lands by the s^d^ John Edmonson left for payment of his Debts

Assented to by the House of Delegates

And a Bill confirming to Major John Hawkins and Henry Wright of Queen Ann's County certain Lands therein mentioned

Assented to by the House of Delegates. Which said Bills being read at this Board & assented to were sent to the House by Col Coursey

Mr Ungle & three others bring up a Bill for the relief of John Clements &c

Which being read at the Board was sent to the House by Col Ennalls

The s^d^ Members brought up the following engrossed Bills assented to by the House of Deleg^s^

A Bill to impower Comm^rs^ to appoint & cause to be laid out three thous^d^ Acres of Land on broad Creek in Somersett County for the use of the Nanticoke Indians so long as they shall occupy the same

A Bill confirming and making good & Effectual in Law a certain Deed or Release made by Susannah Tracy to James Heath of Queen Ann's County Gentleman. And

p. 718 A Bill to rectifye a mistake in the writing of the last Will & Testam^t^ of the Reverend Mr John Edwards late of Baltimore County de^d^ & for Settling an Estate of Inheritance in Fee Simple on John Stoakes the Devisee in the Will named

Which Bills were read & assented to by this Board and sent to the House of Delegates by Col Addison

And the Board adjourned until eight of the Clock to morrow morning

Fryday Novem^r^ 2^d^ 1711

The Council Sate Present as yesterday with the Addition of Col William Whittington—& Phil Lloyd Esqr

Col Smallwood & Mr Greenfield bring up a Bill for the Naturalization of David Paget his Wife & Children

Read twice in the House which being by especial Order read twice at this Board was so Endorsed & Sent to the House by Capt Dorsey U. H. J.

The sd Col Smallwood & Mr Greenfield brought up the following Message

By the House of Delegates
November the 2d 1711

If the honble Presidt & Council have made any resolve on the Houses Address presented them on Wednesday last to redress the Aggrievances complained of they pray their Honours to communicate the same to this House

Signed p Order R Dallam Cl Ho Del.

Mr Crabb & Mr Storey came to see Capt Thomas Collier Naval Officer at William Stadt sworn to his Accompts Which was done in their presence p. 719

Mr Tyler the third Time brought up the Petition of Prince Georges County against Mount Calvert Ferry Endorsed by the House of Delegates

Novembris 1mo 1711

This House have allowed to their Clerk five hundd pds of Tobo for his Fees upon occasion of this Petition and pray the honble Council to ascertain their Clerks fees and to concur with the Houses last Message

Signed p Order R Dallam Cl Ho Del.

The afd Petition being further Endorsed

By the Council eodem Die

We have already ordered the Ferry at Mount Calvert not to be longer continued at the County Charge—But think it reasonable the Charge thereof may be assessed this present year 1711

Signed p Order W Bladen Cl Coun.

Was Sent to the House by Col Ennalls & Col Addison

Mr Hicks and Col Smallwood brought up the two following Engrossed Bills assented to by the House Viz.

A Bill to invest two Tracts of Land in Richd Bennet Esqr late the Land of Jno Howell decd

U. H. J. And A Bill to ascertain the Gauge of Tob° Hh^ds and to prevent cropping cutting & defacing tob° taken on Board Ships & Vessels upon Freight

Which said Bills were assented to by this Board and sent to the House by Col Whittington

p. 720 The Address of the House of Delegates of Wednesday last being again read and debated

Resolved the following Message be sent to the House of Delegates Viz.

By the honble Presid^t & Council in Assembly
Novem^r 2^d 1711

Gentlem.

In Answer to your Address on Wednesday last we assure you we are truly well Inclined to remedy any Aggrievances you represent so far forth as in our Power when duly made appear to us

But We cannot Conceive any Judge of a Court ought to be Questioned for his opinion when given impartially & without Corruption; of which we have not the least Reason to Suspect any of the Justices of the Provincial Court and more particularly the Gentleman of whose Honour & Integrity you are pleased to say you have no Suspicion (altho he were abstracted from any relation to this Board).

As to the ill Precedent represented we must observe to you that her Majesty's Secretary Sr Thos Lawrence Sate as one of the Justices of the Provincial Court—And when he was displaced obtained his late Majesty's order to be restored thereto Yet to prevent the opinion of any one Justice being prejudicial, we think it adviseable more be added to the Provincial Court, The Remoteness of some of the Justices Habitations, Sickness & other Accidents that may prevent their Attendance being impossible to be foreseen

Signed p Order W Bladen Cl Coun.

Sent to the House by Col Holland & Capt Dorsey & Col Coursey

Mr Hicks & Mr Smallwood brought up a Bill for paym^t &
p. 721 assessm^t of the publick Charge of this Province

And two Engrossed Bills Viz

A Bill for the Relief of Jn° Clements &

A Bill for the Naturalization of David Pagett his Wife & Children. Assented to by the House

Which were read & assented to by this Board and Sent to the House by Capt Dorsey. U. H. J.

The Bill for assessing the publick Levy being read at the Board & Considered as a Law that will have its Effect this present year, The Clause ascertaining who shall be deemed Taxables is not thought proper to be added thereto

But if the House of Delegates thinks fitt a Separate Law may be made therefor. And being so Endorsed was sent to the House by Capt Dorsey

The Board adjourned until Eight of the Clock to morrow morning

Saturday Novem^{r} 3^{d} 1711

The Council Sate Present as yesterday Save Mr John Hall.

Ordered that the Clerk of this Board take and demand the same fees for all private Bills passed this Session as are allowed to the Clerk of the House of Delegates

The Remonstrance of Mr Charles Carrol and William Bladen for the Rent of their Houses wherein the Arms are lodged read at the Board. Was referred to the House of Delegates & sent them by Capt Dorsey.

Lt Col Gale and nine other Members bring up the following Address Viz. p. 722

To the Honble Presid^{t} & Council

The humble Address and Remonstrances of the Deputys and Delegates of the Province of Maryland in Assembly Convened

On Wednesday last we addressed your Honours setting forth an Aggrievance the Province laboured under wherein we very modestly & Candidly lay'd the same before your Honours to be redressed not intending thereby to accriminate any Person or did, or do we harbour any dishonourable thoughts of the Gentlemen that are Judges of the Provincial Court only desiring thereby your Honours to prevent our Laws being dispensed with & held for Null & Void while in force, And the mischiefs that may happen by Persons being Judicial & ministerial officers in any Court.

But instead of having that Aggrievance prevented or receiving any Satisfactory Answer thereto we find (after long delay) only a Message evading the Substance of the Aggrievance under the pretext to Justify & with Intent to continue it

U. H. J. The Presid[t] your Honours assign of S[r] Thomas Lawrence's being restored is very foreign & the Constitution of the Courts of Judicature are now quite altered to what they were then

For the Governour as well as the Council immediately after the Revolution were Judges of the Provincial Court

p. 723 Your Honours may remember we two years since complained to you of the like Aggrievances of Persons being Judges in two Courts which your Honours then agreed was such and Concurred with us to Address the Queen that the office of Governour & Keeper of the great Seal in one & the same person was inconsistent by reason Appeals might be from one Court to another & to one and the same Person

Which Aggrievance We Conceive is not so great as one Person being at the same time a member of your honble Board a Judge of the Provincial Court & a Ministerial officer there receiving the whole profitts of the Fees in that Court & under no Obligation or Oath (that we know of) to exercise the office of Deputy Secretary

We have no Intent or Design to retrench her Majesty's royal Prerogative and are Satisfied with what more Justices your Honours please to appoint in the Provincial Court

We have very freely consented to charge ourselves & the People we represent with very great Sums for the Attendance of your Honours in Council which indeed appears to be the greatest Cause of calling us together, tho' we expected & were in great Hopes your Honours would with us Concur to have Eased the People of their Burthens and Aggrievances. But we plainly see no other use made of our House (in the absence of a Governour) than to be Slighted & lead ourselves & our Posterity into very great Inconveniencys

p. 724 We are of opinion and well assured you have now as great power to redress the Aggrievances the people we represent lye under as ever. And if your Honours do not think fit to Exert it, We shall Leave it fairly on our Journals to appear that we have done our Duty & Endeavours and if We cannot remove & have their Aggrievances redressed We are resolved to lay on them no Burthen or oppression by assenting to an Act to tax them with any publick Levy, And therefore desire to return to our Familys

Signed p order of the House of Deleg
2[d] Novem[r] 1711 R Dallam Cl

M[r] Lee brought up from the House of Delegates the ordinancys to the Justices of Prince Georges County not to continue the Ferry at Mount Calvert

Which was read & assented to by this Board & sent to the House by Col Addison U. H. J.

Mr Ungle and two more from the House of Delegates acquaint the honble Presid^t^ that considering it is late in the Week & late in the day they desire his Commands

The last address by Lt Col Gale & others being considered Resolved the following Answer be Sent thereto viz

By the honble Presid^t^ & Council in Assembly
November the 3^d^ 1711

In answer to your Address by Lt Col Gale & nine others of your members, We must take leave to observe to you that the present Justices of the Provincial Court holding their offices by Patents made them in Governour Seymours time and her Majesty's royal Instructions prohibiting the Governour &c to displace any of them, Without Sufficient Cause represented to her Majesty We do not take what is offered from your House as an Aggrievance to be a Sufficient Reason to displace any of them without some particular Misfeazance in their offices assigned against them Which we shall at all times be ready to hear p. 725

We cannot but resent your Saying (you had very freely Consented to charge yourselves & the People you represent with very great sums for our Attendance in Council which you assert to be the great Cause of calling us together) and absolutely deny an Imputation so untrue & unworthy of your Representative Body Which her Majestys Several Commands laid before you this Session and the absolute necessity of reviving & Enacting some good Laws for the Preservation & Welfare of the Province plainly demonstrate

The many Councils this year having been occasioned chiefly by her Majestys Expedition designed against Canada as they burthen the Country with the Charge (so have they been to our great Fatigue & Loss in our private affairs) We can be contented as well as any of your House to forego the Receipt thereof

And as for your Threats of going Home without Assessing the publick Charge you must believe It will as little affect this Board as the members of your House; But if the Province in the Condition It now is Surrounded with Enemys should Suffer for want of those good Laws now reenacted & especially that for regulating the Militia & be reburthened with another Speedy Assembly Let it lie at your Doors p. 726

We are sorry the Deference which we have & always shall pay to her Majesty's royal Commands & Instructions is taken

U. H. J. for a Slighting your House and leading you and your Posterity into very great Inconveniencys

And 'tho we shall always shew a great regard for the Welfare of this Province (In which we have as great an Interest as any) and to you their Representatives, yet at the same time you must give us leave to assert our Duty to her Majesty the Honour of this Board & our own Reputations

Signed p Order W Bladen Cl Coun.

Sent by Col Coursey Col Ennalls Mr Young Col Greenberry and Col Whittington

It being moved at the Board that there are two Criminalls in the County Goale and that the Charge of their Prison fees would be burthensome to the publick should they lye there until the next Provincial Court in April

Ordered that a Special Commission of Oyer & Terminer & Goal Delivery be directed to the Honble Col Wm Holland Lt Col Charles Greenberry & Capt Richard Jones to trye the
p. 727 s^d^ Criminalls & deliver the Goale of the City of Annapolis on the 27th Inst^t^

The House of Delegates resolve of the 25th of October last upon Mr Joseph Lamberts petition being considered & debated

This Board do say they cannot concur therewith and therefore the said Petition is rejected

Upon the Petition of Susannah Pinkham a Molatto woman under Sentence of Death for the Murther of a Bastard Child born of her Body

She being represented by the Honble the Judges of the Provincial Court as an object of her most Sacred Majestys royal Clemency as only Convict by the Provision of the Statute Advised & Resolved that she be reprieved until her Majestys Pleasure be known therein

Col Smithson and five other members from the House bring up the following Message Viz

By the House of Delegates
Novem^r^ 3^d^ 1711

We are Sorry your Honours misconstrue our address and may well be ignorant of your having Commands not to displace any Justice without Cause Shewed to her Majesty you never having communicated to us the same

We presume her Majesty knows not that any of them are as well ministerial as Judicial officers nor that the ministerial office is executed without any oath taken. Certainly if the

Publicks declaring the Laws passed here to be of no force U. H. J.
before her Majesty's dissassent thereto Signifyed be not an
Aggrievance, We know not what is

We may well assert the laying the Levy to be the great p. 728
Cause of calling us together Since It is the first Thing you
communicated to us at the opening of this Session and so no
untruth in us which Expression we have great Reason to resent

We know of no Threats in our Address of going Home
without assessing the publick Charge but still are of opinion
not to assent to It without removing our Agrievances which
are a greater Burthen than calling another Assembly Who
We doubt not but will insist upon it too

We have nothing more before us but to request your Hon-
ours to be discharged

Signed p order R Dallam Cl Ho Del.

Which being read the following answer was sent to the
House by Col Coursey Col Ennalls & Col Addison Viz.

By the honble President & Council in Assembly
November 3d 1711

We never heard that any Justices of the Provincial Court
ever publickly declared any Laws legally passed in this Prov-
ince were of no force before her Majesty's dissassent thereto.
And if any opinions have been given by them concerning
Laws Enacted by two of the three Estates & not the other
Conform to what her majesty has been pleased to disapprove
of And which has been laid before you this Session We can-
not unless we thought it proceeded of Corruption think the
Persons guilty of any Crime for Uttering the same neither can
we on the narrowest scrutiny find any Difference between Sr
Thomas Lawrences & the present Deputy Secretarys Acting
in the Provincial Court as a Judge and Secretary And wish p. 729
you to reflect that Security is given for the ministerial Office
by the Secretary in chief And the Clerk of that Court Sworn
to keep a true Record And the Person pointed at has taken
an Oath for the due Execution of his Judicial Office In which
if you have any just Accusation against him or any others We
are ready to hear you, If not hope you will not further press
us on this Score but faithfully Execute the Trust reposed in
you by concluding this Session to the best Advantage & Ser-
vice of the Country.

Gentlem. After such amicable procedures as have been
this Session between us we little Expected that our adventur-
ing to defer the laying her Majesty's Commands before you

U. H. J. till this time thereby preventing the Charge of convening an Assembly in the Summer would have met so perverse a Construction that the assessing the publick Charge but more especially our Allowances for Attendance in Council were the great occasion of this Session

Nor is there any Justice in laying hold of the honble President's Expression, this was the usual time for laying the Levy

Signed p Order W Bladen Cl Coun.

Col Nicholas Low and five others of the House of Delegates brought up the following Reply to the last Message from this Board Viz.

By the House of Delegates
Novem^{r} 3^{d} 1711

Notwithstanding we are assured what we have addressed
p. 730 your Honours to remedy is our just Right and worthy your Consideration We are willing at present to wave any further Debate about it and therefore have sent the Bill for assessing the publick Levy for your Assent

Signed p Order R Dallam Cl H^{o} Del.

The af^{d} Col Low and the other members delivered the af^{d} Bill for paym^{t} & Assessm^{t} of the publick Levy Assented to by the House of Delegates

Which was read & assented to by this Board and returned to the House by Col Holland & three other members of this Board

Mem^{dm} Col Whittington represents that the Person who looks after the Alarm Gun in Somersett County & two Horsemen and one other Person who keeps Look out on the Eastern Sea may be payed for their Services. Which this Board thinks reasonable and if Col Whittington be pleased to see them Satisfied This Board will recommend it to the next Session of Assembly to refund his Honour

Lt Col Gale & Mr Bordley came to acquaint the honble Presid^{t} that the House waited his Commands.

The Honble Col Coursey & Col Addison are Sent to the House to tell Mr Speaker & the members of the House of Delegates that the honble Presid^{t} requires them to attend him in the Council Chamber

Mr Speaker and the members of the House of Delegates came up to the Council Chamber and Mr Speaker Presented to the Honble President the following Bills Assented to by the House of Delegates and this Honble Board.

A Bill appointing how long Suspected runaways shall lye in Prison. U. H. J. p. 731

A Bill reviving and continuing the Act for regulating the Militia for the better defence & Security of this Province & for Supplying some Defects therein.

A Bill to reform the ill practices of High Sherriffs within this Province

A Bill for confirming the title of Land therein mentioned unto Col Wm Holland R^d^ Harrison and Samuel Chew.

A Bill reviving and continuing the Act for Limitation of Officers Fees

A Bill for the relief of Tobias & John Pollard of Dorchester County Gent:

A Bill reviving continuing & making good & valid the process & Proceedings of St Mary's County Court

A Bill for Settling and Vesting an Estate of Inheritance in fee simple of and in one hundred & fifty Acres of Land lying in Calvert County on William Hickman of Calvert County Carpenter Son & Heir of Wm Hickman dec^d^ & by the s^d^ Hickman the Father purchased of & from a certain Thomas Hinson.

A Bill impowering Robert Roberts of Queen Ann's County, to Sell part of a Tract of Land lying in Cecil County called New Munster late the Land of John Toas for the uses therein mentioned & to make good & Valid such Sale

A Bill for the Naturalization of Peter Sanders of Talbot County Planter & his Children & William Cody of Charles County Taylor & his Children p. 732

A Bill confirming Lands to Major John Hawkins and Henry Wright

A Bill impowering Thomas Edmonson of Talbott County Surviving Exec of his Father John Edmonson to sell and dispose of the Lands by the s^d^ John Edmonson left for paym^t^ of his Debts

A Bill to impower Comm^rs^ to appoint & Cause to be laid out three thousand Acres of Land on Broad Creek in Somersett County for the use of the Nanticoke Indians so long as they shall occupy the same

A Bill confirming & making good & Effectual in Law a certain Deed or release made by Susannah Tracy to James Heath of Queen Ann's County Gent

A Bill to rectifye a Mistake in the Writing of the last Will & Testam^t^ of the Reverend Mr John Edwards of Baltimore

U. H. J. County dec^{d} and for Settling an Estate of Inheritance in Fee Simple on John Stoakes the Devisee in the Will named

A Bill ascertaining the Gauge of Tob^{o} Hhds and to prevent cropping cutting & defacing Tob^{o} taken on Board Ships & Vessels upon Freight

A Bill vesting two Tracts of Land in Richd Bennet Esqr late the Land of John Howel dec^{d}

A Bill for the Naturalization of David Pagett his Wife and Children

A Bill for the relief of John Clements & others

And A Bill for paym^{t} & Assessm^{t} of the publick Levy

p. 733 All which said Bills were severally assented to by the Honble Edwd Lloyd Esqr as President of her Majestys Council and by him on behalf of her most Sacred Majesty Willed to be Laws and then Sealed with the Great Seal of this Province

After which the Honble Presid^{t} with the Advice of her Majesty's Council was pleased to prorogue the Genl Assembly until the 29th Inst^{t}

William Bladen Cl Coun.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, Oct. 23 to Nov. 3, 1711.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

EDWARD LLOYD,
President of Council.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss.

L. H. J. Lib. 41 p. 291

The fourth Session of Assembly begun and held at the City of Annapolis the three and twentieth Day of October in the tenth Year of the Reign of our Sovereign Lady Ann by the Grace of God Queen of Great Britain France and Ireland Defender of the Faith &ta Annoq Dom. 1711. The Hon̄ble Esqr President of her Majesty's Council &ta

Present

The Hon̄ble Robert Bradley Esqr Speaker

St Mary's County	Mr Joshua Guibert Mr James Bowles
Kent County.	Mr Daniel Pearce Mr Edward Scott
Ann Arund. County.	Capt. Richard Jones Mr Daniel Mariartee Mr Joseph Hill Mr Charles Hammond
City of Annapolis.	Wornell Hunt Esq. Mr Thomas Bordley
Calvert County.	Mr John Mackall Mr Nathaniel Dare
Baltimore County.	Mr James Phillips Mr Acquila Paca
Talbot County	Mr Thomas Smithson Mr Robert Ungle
Somerset County.	Mr John West Mr George Gale Mr Samuel Worthington
Dorchester County	Mr Walter Campbell Mr John Hudson Mr Thomas Hicks
Prince George's Coty	Mr Robert Tyler Mr John Bradford
Queen Anne's Coty	Mr John Salter Mr John Whittington Mr Solomon Wright

L. H. J. Lib. 41 The House being met it's Ordered by Mr Speaker, That Mr Wornell Hunt, & Mr Robert Ungle attend the Hon̄ble Council and acquaint them that the House is met according to Prorogation and are ready to attend their Honours Commands.

They return and say they delivered their Message

The Hon̄ble Colo Greenberry and Colo Thomas Addison from the Hon̄ble Council enter the House and acquaint Mr Speaker that the Hon̄ble President commands him and the whole House to attend him at the Council Chamber.

Accordingly the House adjourned to the Council Chamber where the Hon̄ble President was pleased to make the following Speech Viz.

Mr Speaker and you Gentlemen of the House of Delegates

I have thought it expedient with the Advice of her Majesty's Hon̄ble Council to convene you now it being the usual Time to consider of and assess the publick Charge of the Province, also to communicate to you the Right Hon̄ble the Lords of Trade and Plantations Reasons for moving her Majesty for her Disallowance of the several Acts past in the Year 1709. And that they have upon that Occasion kindly signified if any of those Laws be absolutely necessary for the good Government and Welfare of this Province they may be reen-
p. 292 acted. I doubt not but you will believe some of them are of Consequence and am convinced of your good Inclinations to serve your Country.

Gentl. Since you are that I am instructed to forbear passing any Bill but what are immediately necessary for the Peace and Welfare of the Province without her Majesty's particular Order for that Purpose I am induced to believe you will prudently forbear any fruitless Essay of that kind whereby you may prolong this Session and add to the Charge of the Province. I can truly say I have not only been careful of placing as little Charges on the Country as I could, or as the Emergency of Affairs has obliged, but have used my Endeavours to retrench them as much as I might. Therefore have great Reason to expect that you Gentlemen will use your utmost Efforts to dispatch the necessary Business of this Session in a few Days by which you will most lively demonstrate to your several Electors the true Regard you have of their Interest in putting them to as little Charge as may be especially now at a Time when our unhappy Circumstances are not in a Condition to bear any extraordinary Expence

Upon which Mr Speaker and Members took their Leave

and retired to their House Mr Speaker having taken the Chair; It is Resolved That Warrants be directed to Mr Secretary to issue forth Writs for electing new Members to serve in this present Assembly in the Room of the following Persons Viz. To Kent County for Election of two Members to serve in the Room of Mr James Harris Sheriff, and Mr James Ringgold deceased. And Calvert County to serve instead of Colo Walter Smith deceased. A Writ to Dorchester County for Election of a Member to serve instead of Mr Hugh Eccleston deceased. A Writ to Cecil County for Election of a Member to serve in the Room of Mr Edwd Laremore deceased. And another Writ to the Sheriff of Queen Ann's County for Election of a Member to serve in the Room of Mr Philemon Hemsley Sheriff of the same County L. H. J. Lib. 41

Mr Robert Skinner Member for Calvert County, Mr Franklin for Somerset County, Mr Thomas Frisby for Cecil County and Mr Philip Lee for Prince George's County; Their Non-Attendance dispensed with by the House upon their Excuse.

Resolved That the House meet at Nine O'Clock in the Morning and sit till four in the Afternoon.

Upon reading the President's Speech it's Resolved it be considered of to Morrow Morning

The House adjourned till to Morrow Morning Nine O'Clock.

Wednesday 24th October Anno Dñi. 1711.

The House met again according to Adjournment. Being called over were all present as Yesterday. And Mr Thomas Trueman Greenfield, Mr Henry Peregrine Jowles, Colo Smallwood, Capt. Crabb, Mr Storey Mr Vanderheyden, Colo Low, Mr Robins Capt. Colegate and Colo Maxwell

The President's Speech again read. It is Resolved Mr Wornell Hunt, and Mr George Gale be a Committee to consider thereof and prepare an Address in Answer thereto and lay the same before the House to Morrow Morning

The House proceed to settle the following Committees Viz.

Captain James Phillips, Mr Joseph Hill, Mr John Bradford, and Mr Thomas Bordley be and are appointed a Committee for stating the publick Accounts p. 293

Mr Robert Tyler, Mr John Whittington, and Mr John Mackall are appointed a Committee to hear the Aggrievances of the Province.

Mr Thomas Smithson, Mr George Gale, Mr John West, Colo Lowe and Mr Whittington be and are appointed a Committee of Laws

L. H. J. Lib. 41 Mr Richard Jones, Mr Daniel Mariartee, and Mr Robert Ungle are appointed a Committee for Election and Privileges

Mr Henry Ward a Member returned for Cecil County attended the House, And Ordered That Mr Matthias Vanderheyden and Mr John West, attend him to the Council to see him sworn &ta

They return and say they saw him qualified and thereupon the said Mr Ward took his Place in the House.

Ordered That the Indentures for his Election be sent to the Committee of Election & Privileges And upon their Inspection they report as followeth Viz. Indorsed on the Indenture

By the Committee of Election and Privileges
October 24th 1711.

We of the Committee do find the within named Mr Henry Ward to be duly elected according to Law.

Signed p Order Jno Beale Clk

Colo William Coursey, and Colo Charles Greenberry and Colo Addison from the Hon̄ble Council enter the House and delivered Mr Speaker the following Message with other Papers relating thereto Viz.

By the Hon̄ble President and Council in Assembly
8ber 4th 1711

Gentl. Herewith is sent you the Right Hon̄ble the Lords of Trade and Plantations Letter of the Eighth of Nov. 1710 with their Representation and her Majesty's Orders for disallowing the several Acts of the Assembly made Nov. 1709 for the Reasons in the said Representation Set forth. Upon Receipt whereof we need not now to tell you that Proclamations have issued for repealing the aforesaid Acts; but must observe to you their Lordships' kind Intimation that if any of the said Laws do seem of absolute Necessity for the good Government and Welfare of the Province they may be reenacted as in their Ldps Lres pursuant to her Majesty's late Instruction transmitted us is prescribed; and forasmuch as we are thoroughly sensible several of these are absolutely necessary for the good Government and Welfare of the Province and especially those for regulating the Militia and limiting Officers Fees we must recommend them to your Consideration to be reenacted not doubting but the Advantages thereby, as well as the Dangers and Inconveniencies for want thereof are obvious to us all.

Signed p Order W. Bladen Cl. Co.

Read and referred to further Consideration L. H. J. Lib. 41

Resolved That the several Acts following be reenacted.

The Act relating to the Militia

The Act to prevent the ill Practice of Sheriffs

The Act relating to Runaways

The Act for Pacquett's Naturalization

The Act for Tobias and John Pollard—Which said Acts were disallowed of by her Majesty.

Resolved the Consideration of the Act for Officers Fees be referred till to Morrow Morning p. 294

The Petition of several poor Debtors praying an Act to confirm their Discharges made pursuant to the Act for Relief of poor Debtors &ta Read and referred for further Consideration to Morrow Morning

The Petition of Thos Hollingsworth and Catharine Wells praying Leave to bring in a Bill to supply some Defects in the last Will of Zorobabel Wells late of Talbot County Read and Colo Richard Tilghman examined relating thereto and Resolved That Leave be given to bring in a Bill next Session unless the Heir at Law having due Notice shall make any Objection thereto.

The House adjourns till to Morrow Morning 9 O'Clock

Thursday 25th October 1711.

The House met again according to Adjournment

Being called over were all present as Yesterday.

Read what was done Yesterday

The House according to the Order of Yesterday proceed to debate the Act for Officers ffees

Resolved a Message be sent to the Honble Council to desire a Conferrence relating to the reenacting several Acts and particularly revising the Act for Limitation of Officers ffees

Mr Wornell Hunt and Major Gale, according to Order report to the House the Answer to the Honble President's Speech which being read and approved was ordered to be entered as followeth.

To the Honble the President of her Majesty's Council

We the Delegates and Representatives at this Time assembled do with all Humility return your Honours our hearty Thanks for your affectionate Speech to us at the Opening of this Session and that free and candid Communication to this

L. H. J. Lib. 41 House of the Right Honble the Lords of Trade and Plantations disallowing of the several Acts passed in the Assembly in the Year 1709 and their Significations if any of those Laws be absolutely necessary for the Welfare of this Province they may be reenacted

Doubtless some of them are of great Moment and so far tend to the Preservation of the Peace and Tranquility of the Province that it would be in imminent Danger without their Safeguard. And that we may not be longer wanting to do our Country the Service of just and true Patriots thereof the first of our Thought shall be employed in considering what Laws are absolutely necessary to be reenacted and that with as little Charge to the Province as the Affairs thereof will admit; this House having as Representatives of their several Counties wherein they lived been ever tender of the Charges they put their Electors to especially at such Times as these when our Country wants so much Assistance and Relief.

We hope the Business of this Session will be speedily ended and that therein we shall have the Opportunity of serving our Country in such Affairs as may answer the Charge of our convening. And as there can be nothing which can more contribute to the Service of our Country or the Security and Relief thereof than a right and good Understanding between your Honours and us, it shall be the Daily subject Matter of our Applications in studying all Things that may tend thereto and promote the Welfare of this poor Province.

And tho' we labour under the worst of Times we doubt not your Honours will persevere in taking all reasonable Methods to the Advancement thereof with due Regard to the Expence and Charge of the Province in General; assuring your Hon-
p. 295 ours we have no other Aim but to shew ourselves true Patriots, Loyal Subjects, respectful to your Honours, and Council, and truly careful of the Interest and Happiness of our Electors.

Signed p Order of the House of Delegates.
Richard Dallam Clk.

Sent up to the Council by Mr George Gale, Mr Tyler, Mr Scott, Mr Dare, Mr Paca and Mr Greenfield.

They return and say they delivered the same

Message ordered to be prepared this Morning follows Viz.

By the House of Delegates
25th October 1711.

This House have considered your Honours Message relating to the reenacting several Laws disallowed of by her

Majesty and particularly the Act for Limitation of Officers Fees which this House are humbly of Opinion wants several Regulations and pray your Honours to appoint some Members of her Majesty's Council to join in Conference with some of the Members of this House to consider thereof and that your Honours please to appoint the Time and Place L. H. J. Lib. 41

Signed p Order Rich[d] Dallam Cl. Ho. Del.

Read and sent up to the Council p M[r] Nicholas Lowe, M[r] Ungle, M[r] Roberts and M[r] Hudson.

They return and say they delivered the Message.

M[r] Gale and the Gentlemen appointed a Committee relating to the Nanticoke Indians deliver their Report.

Read and order'd to lye on the Table.

Upon reading Mary Marchy's Petition and hearing M[r] William Potts in his Defence thereto

Resolved M[r] Potts whipt the Petitioner illegally and he pay the Petitioner 600 lbs of Tobacco in full Satisfaction for her Damages and to the Clerk of the House three hundred Pounds of Tobacco To the Doorkeeper and Serjeant 50 [lbs] Tobacco each and that the said William Potts be discharged from any further Attendance.

Arthur Miller's Petition read and the Consideration thereof referred till next Session of Assembly. And Ordered That Thomas Clegatt the Son and Heir of Thomas Clegatt deceased have Notice then to appear to make his Objections if any.

Col[o] Coursey Col[o] Greenberry, M[r] John Dorsey and Col[o] Tilghman from the Hon̄ble Council enter the House and deliver M[r] Speaker the following Message with the Instructions &[ta]

By the Hon̄ble President and Council in Assembly
October 24th 1711.

The Hon̄ble President having received her Most Sacred Majesty's Royal Commands by Way of Instruction to recommend to you the conforming our Gauge of Tobacco Hhds with those of our Neighbours in Virginia and the passing a Law for that Purpose, with Permission likewise to make an Act to prevent the Cropping Tobacco Hhds with a Penalty therein not exceeding what shall be imposed on such who exceed the Gauge of them, In Obedience thereto the said Instructions are herewith sent you and the enacting the aforesaid Laws earnestly recommended, by which our Trade will be encouraged and our Tobaccoes secured from the Damages sustained formerly.

L. H. J. Lib. 41 Gentl. You will also by her Majesty's Royal Instructions and the Representation of the Lords of Trade and Plantations be sensible of the absolute Necessity of impowering some proper Person to act as our Agent in Great Britain for want whereof we may suffer in Things most reasonably proposed by us.

Signed p Order W Bladen Cl. Co.

p. 296 Which being read together with her Majesty's Instructions the House took the same into Consideration and being debated was put to the Question whether a Bill be brought to ascertain the Gauge of Tobacco Hhds according to the Gauge in Virginia or not? Carryed in the Affirmative.

Resolved a Bill be brought in to ascertain the Gauge of Tobacco Hhds to 30 Inches in the Diameter of the Head within the Chime and forty Eight Inches in the Length of the Stave under the Penalty of 600 ℔ Tob° or 50 £ Sterling to be paid by the Planter to the Use of the County where the Offence shall be committed

Resolved a Bill be brought in to prevent Masters of Ships from cropping Squeezing or defacing Tobacco under the Penalty of 50 £ to the Use of the Party damnified.

Peter Saunders, Stephen Rashoon, and William Cady Petition praying Naturalization

Read and Resolved Leave be given to bring in a Bill accordingly

Mr John Rousby Naval Officer for Patuxent District appeared in the House according to Order and produced Carnaby's Entry Bond. And Ordered the same be delivered to Mr Attorney General to consider of and endeavour to recover the Money due to the Country for the Duty of those Negroes short entered.

Mr Rousby delivered a List of his Naval Officers Fees and Commission for Mr Plater's being Receiver of her Majesty's Revenue, and as to his and Mr Platers publick Accounts said they were sent to England and he only accountable to the Governor and Council

Mr John Dansey's List of Fees laid before the House pursuant to Order of last Session

Col° Greenberry and Col° Tilghman enter the House and deliver Mr Speaker the foll. Mess^a^ Viz.

By the Council in Assembly
October 25th 1711.

Since we have so often let you know we cannot advise the President to act any Thing contrary to her Majesty's Instruc-

tions we admire you should now insist upon regulating the Act for limiting Officers ffees, having formerly agreed to refer that Matter to the Arrival of a Captain General which as it cannot be expected will be long so it will also be the most proper and convenient Time to settle those Fees and therefore we propose that the Law be renewed as heretofore lest for Want thereof the Officers be obliged to prosecute Actions for their Fees to the great Oppression of the good People of the Province We cannot consent to any Regulation of that Law at this Time and therefore think it will be to no Purpose to spend Time in Conferrence thereon L. H. J. Lib. 41

Signed p Order W Bladen Cl. Co.

Read in the House and referred for Consideration.

Ordered the following Message be entered

By the House of Delegates
25th October 1711

Upon reading the Petition of Mr Joseph Lambert on Behalf of Mr John Lillingston's Children, This House are of Opinion that the whole forty Pounds of Tobacco p Poll ought to be paid to Mr Lillingston's Children for that Year in which their Father died, and on their Behalf pray the Honble President and Council to order the Sheriff to pay the same to them

Signed p Order Richd Dallam Cl. Ho. Del.

Sent up to the Council p Mr John Mackall and Mr Thomas Robins.

They return and say they delivered their Message.

The Petition of several poor Debtors being again read and debated it's Resolved a Bill be brought in to confirm and ratify the Discharges of such poor Prisoners as actually were discharged by Virtue of the late Act for Relief of poor Debtors and that the Committee of Laws prepare and bring in a Bill for that Purpose p. 297

Ordered the Clerk of this House write to Mr Amos Garrett to furnish Mr Richard Young with Rope to hoist the Flagg and charge it to the publick Account

Mr Samuel Young the Treasurers Memorial being read relating to his being sued as publick Treasurer about Mrs Contee's Bills of Exchange protested praying Allowance for his Costs

Ordered the Committee of Accounts [allow] 2073 lb Tobacco

Upon reading the Message from the Council relating to the

L H. J. Lib. 41 Act for Limitation of Officers Fees, Resolved the Act disallowed of by her Majesty be reenacted.

Bill to reform the ill Practices of High Sheriffs within this Province

Bill reviving and continuing the Militia Act and supplying some Defects therein

Bill appointing how long suspected Runaways shall lie in Prison

Bill to settle and vest Land lying in Calvert County on William Hickman

All these four Bills read the first and second Times by especial Order and indorsed

By the House of Delegates
25th 8br 1711

Read the first and second Times and by especial Order will pass.

Signed p Order Richd Dallam Cl. H. D.

The House adjourned till to Morrow Morning Nine O'Clock

Friday 26th October 1711

The House met according to Adjournment. Called over, Were all present as Yesterday and Mr William Wilkinson appeared in the House.

Read what was done Yesterday

Petition of Michael Miller Read and Rejected.

Petition of Henry Mudd Read, and Resolved Charles County ought to maintain George Mudd, the Petitioner's Brother, being lunatick and take the Profits of his Estate, if any

The Petition of the Inhabitants of Saint Mary's County Court praying Leave to bring in a Bill to revive and continue the late discontinued Process and Proceedings of the said Court Indorsed in Council

By the Hon̄ble Presidt and Council
October 25th 1711

The within Petition recommended to the House of Delegates That a Bill be prepared for the Relief of the Petitioners.

Signed p Order W Bladen Cl. Council.

By the House of Delegates
26th October 1711

L. H. J. Lib. 41

Read and Leave given to bring in a Bill the Petitioners preparing the same

Richard Dallam Cl. Ho. Del.

The Petition of Matthew Mason of Queen Ann's County brought from the Council Indorsed Viz.

By the President and Council in Assembly
October 25th 1711

The within Petition is recommended to the House of Delegates that the Law therein mentioned may be reenacted for the Petitioner's Relief.

Signed p Order W Bladen Cl. Council

Which being read was ordered to be indorsed Viz.

By the House of Delegates
26th October 1711

Read in the House and referred till next Session of Assembly and that Mr Richard Bennett have Notice to appear

Signed p Order Richd Dallam Cl. Ho. Del.

The Petition of Thomas Edmondson of Talbot County Read in the House and indorsed Viz.

By the House of Delegates
26th October 1711

Read and Leave given to bring in a Bill as prayed

Richd Dallam Cl. Ho. Del.

Petition of some Inhabitants of Prince George's County relating to their Ferry at Mount Calvert Read and Indorsed. p. 298

By the House of Delegates
October 26th 1711.

Upon reading the within Petition Resolved it is an Aggrievance and recommended to the Honble President and Council to redress the same it being done at a great and unnecessary Charge of the County

Signed p Order Richd Dallam Cl. Ho. Del.

L. H. J. Lib. 41 Petition of John Clements read and Ordered it be thus indorsed

October 26th 1711.

Read again in the House and Leave given to bring in a Bill as prayed unless Mr William Taylard shall next Session of Assembly Shew reasonable Cause to the contrary

Richd Dallam Cl. Ho. Del.

The Referrence and Message of last Session relating to Colo Blackiston's Salary Read and referred to the Committee of Accounts for Examination and Allowance

Mr Edward's Petition relating to the Work done in the Offices Read and Ordered That Mr John Salter Mr Ungle and Mr Bordley view the Work and report the Value thereof to the House.

The four Bills read last Night sent up to the Hon̄ble Council by Mr Greenfield, Mr Crabb, Mr Storey, and Mr Worthington, They return & Say they delivered the Bills

Ordered Mr Secretary Lloyd attend this House and Shew his Reasons for not removing the Chest of Papers in the School House Porch according to Order of this House.

Mr John Rogers Naval Officer Potowmack District appeared and delivered to the House a List of his Fees.

Ordered Mr Hunt and Mr James Bowles attend the Hon̄ble Council to see Mr Rousby prove his Naval Officers Accounts. They return and Say they saw him prove his Accounts

The Hon̄ble Colo Coursey and John Dorsey Esqrs from the Council enter the House and deliver Mr Speaker the four Bills sent up to their Honours this Day, Severally indorsed

By the Council October 26th 1711

Read the first and second Times and will pass.

Signed p Order W Bladen Cl. Council.

Bill for ascertaining the Gauge of Tobacco Hhds Read the first Time and Ordered a second Reading

Bill to prevent the cropping and defacing Tobacco on Board of Ships Read the first Time and Ordered to lye on the Table.

John Stoak's Petition from the Hon̄ble Council praying Leave to bring in a Bill to supply some Defects in the Will of Mr Joseph Edwards deceased—Read and debated and Leave given to bring in a Bill as prayed.

Col° Greenberry from the Council enters the House and delivers Mr Speaker the following Message and some Papers relating thereto L. H. J. Lib. 41

By the Council in Assembly
8^ber^ 26th 1711

By the late Order in Council and Return from Lt Col° Gale and Capt. Ballard thereon you will find the Nanticoke Indians are much dissatisfied they may not be permitted to continue at Broad Creek where they are set down, we cannot think prudent to have any Difference with them especially at this Time when our Fellow Subjects in North Carolina are at open Rupture with the Tuskaroras and therefore recommend it to your Consideration how to procure their Satisfaction either by purchasing the three thousand Acres they are now seated on or such other Means as you may judge effectual thereto.

Signed p Order W Bladen Cl. Council.

Upon reading and debating the aforesaid Message and the Report of the Committee appointed by this House to treat with the said Indians, p. 299

It's Resolved That a Bill be brought in to impower Lt Col° Gale, Mr Benjamin Teales, Mr Samuel Worthington and Captain Ballard to purchase three thousand Acres of Land for the Use of the Nanticoke Indians &^ta^

Ordered Mr Jones and Mr Dare attend the Council to see Mr Rogers sworn to his Naval Officers Accounts. They return and say they saw him sworn

The Referrence of last Session relating to the Act for 3^d^ p Gallon on Rum &^ta^ Read and referred till next Session

The Referrence on the Report of the Committee relating to the Aggrievance by wild Horses read and further referred till next Session for Consideration

The Referrence relating to the Aggrievance about the Secretary and County Clerks Offices Read and referred till Monday Morn.

Bill reviving and continuing the late discontinued Process and Proceedings in St Mary's County Court Read and indorsed.

By the House of Delegates
26th October 1711

Read the first and second Times by especial Order and will pass

R. Dallam Cl. Ho. Del.

L. H. J. Lib. 41 Bill for Relief of Tobias and John Pollard, Read the first and second Times and by especial Order will pass

These two Bills sent up to the Honble Council by Capt Mackall, Mr Tyler, Mr Jowles, and Mr Mariartee. They return and say they delivered the same

The House adjourned till to Morrow Morning Nine O'Clock

Saturday the 27th October 1711

The House met according to Adjournment. Being called over were all present as Yesterday.

Read what was done Yesterday.

Resolved the Act to confirm a Deed or Release from Susannah Tracey, to Mr James Heath be reenacted

Resolved the Act for confirming Land to Colo Wm Holland, Mr Chew, and Mr Harrison be reenacted.

Committee of Accounts enter the House and pray the Directions of the House about allowing for Seals for Copies of Laws

Resolved this House will allow but for two Seals in one Session to be affixed to the Copies of the Laws to be sent to Great Britain and Ordered That a Message be prepared and sent up to the Council for Concurrence.

Ordered the Bill for Gauge of Tobacco Hogsheads be again read, and being read & debated Ordered it be indorsed.

By the House of Delegates
October 27th 1711

Read the second Time by especial Order and Resolved this Bill and the Bill against cropping &ta be both put into one Bill and a Clause added to Subject the Master's Security to make Satisfaction for Damages in cropping &ta

Petition of Robert Roberts referred the last Session to this Time Read and indorsed

By the House of Delegates
27th October 1711

Read, and Leave given to bring in a Bill as prayed.

Colo Addison and John Dorsey Esq. enter the House and deliver the following Message

By the President and Council in Assembly
October 27th 1711. L. H. J. Lib. 41

On due Reflection had how often the publick and County Arms and Ammunition in the respective Counties are embezzled and rendered unserviceable upon any sudden Emergency for the Defence of the Province by their being distributed into several Hands, which renders the visiting those Arms and Ammunition difficult and thereby exposes them to be misapplyed we cannot think it but absolutely necessary for the Welfare of the Province, that a small, tight, twelve foot House or such as may be thought convenient be built in each County at or near the County Court Houses as Magazines wherein to lodge the Arms and Ammunition of each County by which they will be frequently visited and kept in better Repair at small Expence. p. 300

Signed p Order W Bladen Cl. Council.

Read and referred till Monday Morning for Consideration

Colo Greenberry and Colo Tilghman from the Hon̄ble Council enter the House and deliver Mr Speaker the Bill for Relief of Tobias and John Pollard Indorsed

By the Council in Assembly
October 27th 1711

Read the first and second Times and will pass
W Bladen Cl. Council.

The Bills again read in the House and past for ingrossing.

Colo Coursey from the Council enters the House and delivers Mr Speaker John Hawkins and Henry Wright's Papers and Petition. Referred to Mr West and Mr Worthington to examine the Papers and make Report thereof on Monday Morning.

Ordered Mr Tyler and Mr Scott attend the Hon̄ble Council to see Mr William Bladen sworn to his Naval Officers Accounts. They return and say they saw him sworn thereto

The House proceed to consider the Council's Message relating to an Agent and resolved the following Message be sent in Answer thereto.

By the House of Delegates
27th October 1711

This House have considered your Honours' Message about appointing an Agent and since you have so frankly communi-

L. H. J. Lib. 41 cated to us your Resolution not to advise the Hon̄ble President to pass any Act of Moment, until the Arrival of a Capt General which in all Probability may be suddenly expected and an Assembly called wherein we expect the many Aggrievances this Province labours under will be redressed and we under a Necessity of having an Agent in Great Britain have Resolved to refer the appointing any until then and pray your Honours will concur with us herein and if in the mean Time your Honours please to recommend two or three Persons for that Purpose we shall consider thereof

Signed p Order Rich[d] Dallam Cl. Ho. Del.

Sent up to the Hon̄ble Council by M[r] Scott, M[r] Paca and M[r] Crabb. They return & say they delivered their Message

Ordered M[r] Vanderheyden and M[r] Crabb attend the Hon̄ble Council to see M[r] Knighton sworn to his Naval Officers Accounts. They return and say they saw him Sworn

John Hall Esq and Col[o] Greenfield enter the House and deliver M[r] Speaker a Message which is ordered to lye on the Table for Consideration on Monday.

p. 301 Col[o] Tilghman enters the House and delivers M[r] Speaker M[r] Bradford's Petition which was read with the Indorsment from the Council and ordered to be indorsed

By the House of Delegates
27th October 1711.

Read and Leave given to bring in a Bill next Session upon making good the Allegations.

Rich[d] Dallam Cl. Ho. Del.

Committee for valuing M[r] Edwards his Work enter the House and report it is their Opinion that he deserves thirty three Pounds more than what he is already paid which the House agreed and ordered the Committee of Accounts make Allowance accordingly

Guy Meek's Petition brought into the House by Col[o] Tilghman Read and referred to the Committee of Accounts for Allowance.

The House adjourned till Monday Morning Nine O'Clock

Monday 29th October 1711.

The House met according to Adjournment. Being called over were present as on Saturday.

Read what was done on Saturday L. H. J. Lib. 41

John Hawkins and Henry Wright's Pet° with Capt West and Mr Worthington's Report thereon Read and Leave given to bring in a Bill as prayed

The Message brought into the House on Saturday by Samuel Young and John Dorsey Esq^rs^ Read and debated and they Nemine contradicente Resolve That they see no Reason to recede from their former Resolve of paying but for two Seals to the Copies of the Laws that are sent to Great Britain

Resolved also That the Public ought not to pay for the Seals of any private Acts, but the Persons in whose Favours such Acts pass ought to pay for the Sealing thereof

The Referrence relating to Baltimore County Court House being read and debated it's Resolved it be referred for further Consideration to Morrow Morn. And Mr Richard Colegate then to report to this House at what Place the Petitioners desire the Court House to be built

Committee appointed to agree with some Person to make a Fence to secure the Town and Country Pasture &^ta^ Report to the House That they had agreed with Mr Thomas Docwra to do the same which he had performed. Ordered the Committee of Accounts allow Mr Docwra six thousand Pounds of Tobacco for the publick Part of making the said Fence

The House proceeds to consider the Message brought into the House on Saturday relating to the building a Magazine in every County and being debated, Put to the Question whether such Houses be necessary or convenient to be built or not? Carryed by Majority of Votes in the Negative. And Resolved That this House will the next Session of Assembly consider of Some Method to preserve the Arms and Ammunition

Bill ascertaining the Gauge of Tobacco Hogsheads and to prevent cropping and defacing Tobacco on Board of Ships Read the first and second Times by especial Order Put to the Question whether this Act continue till the tenth of December Anno 1714 or to the 10th Xber 1715.

Carryed by Majority of Votes till the 10th Xber Anno 1715 and Resolved the Bill pass &^ta^

Bill for Relief of John Stoaks Read the first and second Times and will pass

Bill to confirm Land to Col° Holland Mr Chew and Mr Harrison Read the first and second Times and by especial Order will pass

Bill impowering Commissioners to lay out Land for the Nanticoke Indians Read the first and second Times by especial Order and will pass

L. H. J. Lib. 41 Bill impowering Thomas Edmonson to sell Land &ta Read the first and second Times by especial Order and will pass

Bill for Relief of Robert Roberts of Queen Ann's County Read the first and second Times by special Order and will pass.

The foregoing Bills sent up to the Hon̄ble Council by Colo Lowe, Capt. West, Mr Paca and Mr Whittington. They return and say they delivered the Bills.

Mr Philip Lee enters the House

p. 302 Bill to confirm a Deed or Release from Susannah Tracy to Mr James Heath Read the first Time and Ordered a second Reading to Morrow Morning

The House adjourned till to Morrow Morning Nine O'Clock

Thursday the 30th Day of October 1711

The House met according to Adjournment, Being called over were present as Yesterday.

Mr Robert Skinner enters the House

Read what was done Yesterday.

Bill for reviving the Act for Officers ffees Read the first Time and committed for Amendments

Bill confirming Tracey's Deed to Mr Heath Read the Second Time and will pass.

Bill confirming Land to Major Hawkins and Henry Wright Read the first and second Time by special Order and will pass

Petition of Mr Richard Bennett Read and Leave given to bring in a Bill as prayed

Resolved a Message be prepared as follows Viz.

By the House of Delegates
October 30th 1711

This House have considered and debated the Message & Instructions relating to the Sealing the Copies of the Laws sent to Great Britain and cannot see any Reason to induce them to recede from their former Resolve of paying but for two Seals every Session and that only for the publick Acts And as for Seals to the private Acts have resolved the Public ought not to pay for any Seals but the Person in whose Favour such private Acts pass ought to pay the same. We have likewise considered and debated the Message relating to building Houses for Magazines in every County and have Resolved upon the Question put that such Houses are not necessary or convenient to be built but that they will the next

Session of Assembly consider of some Means to preserve the Arms and Ammunition &ta L. H. J. Lib. 41.

Signed p Order Richd Dallam Cl. Ho. Del.

Which being read and approved was sent up to the Council together with the Bills confirming Major John Hawkins and Tracey's Bill to confirm a Deed to Mr James Heath by Mr Worthington, Mr Hill, Mr Whittington and Mr Hicks. They return and say they delivered the same Message and Bills.

Colo Ennalls and Mr Young from the Council enter the House and deliver Mr Speaker the following Message, Which was ordered to be entered upon this Journal Viz.

By the Council in Assembly
October 29th 1711.

In Answer to the House's Message by Mr Scott and two other Members concerning the appointing an Agent for this Province had your House thought fit now to have complied with her Majesty's Pleasure therein we should not have thought it improper to have named to you some Persons for that Trust But seeing you refer it to the next Assembly we must be content then to inforce that her Majesty's Gracious Recommendation tho' we cannot but think it necessary an Agent should be now appointed.

Signed p Order W. Bladen Cl. Co.

The House again took into Debate the Matter relating to Baltimore County Court House; and Mr Richard Colegate reporting that Richardson's fforrest at the Head of Middle River would be a convenient Place for a Court House It's put to the Question whether it be left to the Vote of the Inhabitants of Baltimore County to appoint the Place where they would have their Court House or not? Carryed in the Affirmative. And Resolved Mr James Philips Mr Edward Stephenson and Mr William Talbot or any two of them on the first Tuesday of April next meet at Richardson's Forrest, and Mr Paca, Mr Dallahide and Mr Richard Colegate or any two of them at the same Time meet at the new Court House at Joppa, and the said Persons at those Places at the Time aforesaid to take the Votes of all the Freeholders living in the said County at what Place they desire their Court House shall be placed and make Report of their Proceedings to this House next Session

Ordered That Samuel Young Esq. publick Treasurer of the Western Shore pay to Captain Thomas Trueman Greenfield p. 303

L. H. J. Lib. 41 and Mr Henry Peregrine Jowles the ten Pounds formerly lodged in his Hands for the Chaptico Indians, and Mr Greenfield and Mr Jowles are to pay the same to such of the said Indians as have Right thereto and make Report thereof to this House the next Session of Assembly

Committee of Aggrievances enter the House and deliver Mr Speaker the following with their Indorsment thereon.

To the Honble Committee of Aggrievances

The humble Petition of Several poor People in the Province of Maryland humbly complaining,

Sheweth

That contrary to an Act of Assembly made the last Session for relieving Some Aggrievances the Attorneys and Practitioners in the Provincial Court continue to implead her Majesty's Subjects there for very small Sums and to arrest Persons out of the County where they live and during the continuing and sitting of the Provincial Court being induced thereto (as your Petitioners believe) by the Favour as they expect from such Persons as are in the said Courts, as well judicial as Ministerial Officers which your Petitioners conceive is a great Aggrievance and Oppression to her Majesty's poor Subjects who groan under the Burthen of Debt and Oppression of merciless Creditors and avaricious Attorneys and other Officers, and they humbly pray your Honours to represent it as an Aggrievance to the Hon̄ble House of Delegates and humbly beg their Honours will find some Expedient to prevent the like for the future either by inhibiting any Person that receives any Profits in the Courts to be a Judge there and oblige the said Courts Ex Officio to abate all Process and Proceedings there brought or to be brought against the Intent of the same

And they will pray.

On the Back of the said Petition is indorsed

By the Committee of Aggrievances
October 30th 1711.

We having read and considered the within Petition do believe it to be an Aggrievance and do therefore refer the Consideration to the House for the said Petitioners Relief as within prayed.

Signed p Order John Beale Cl. Com.

The above Petition and Indorsment being read and debated

It's Resolved the same is an Aggrievance and that the Hon̄ble President and Council be addressed to redress the same as followeth. L. H. J. Lib. 41

To the Hon̄ble Edward Lloyd Esq. President, and the rest of the Members of her Majesty's Hon̄ble Council of Maryland

The humble Address of the Deputies and Delegates of the said Province in Assembly now convened

May it please your Honours

It is with the greatest Grief and Regrett that we are obliged now to address your Honours to redress an Aggrievance complained of to this House by the Committee of Aggrievances upon the Petition of Several of the Inhabitants of this Province That Laws or Acts assented to by your Honours and this House and passed the great Seal here before her most Sacred Majesty's Disallowance thereof signified should be held for null and void by some of the Justices of the Provincial Court and particularly the Act passed the last Session for relieving some Aggrievances, for notwithstanding that Act as the Petitioners set forth several Persons are still sued and prosecuted in the said Court for small Sums p. 304

We cannot but conceive and agree with the Petitioners that Attorneys are encouraged so to do by favour of the Person that in the said Court acts both as a judicial and Ministerial Officer

We assure your Honours we have no other End therein but out of due and tender Regard and Duty incumbent upon us to endeavour to redress the Aggrievances of the People we represent and do with all Dutiful Respect lay the same Aggrievance before your Honours not doubting or any Ways apprehending but that your Honours will (notwithstanding the Relation between the Person and your Hon̄ble Board) have a just and tender Regard to the Satisfaction and Relief of her Majesty's Subjects and in your Wisdoms redress such Aggrievances, as are laid before you by the Representative Body of this Province and we conceive this to be one of the first Rank and worthy your Honours Consideration and tho' we can have no Suspicion of that Gentleman's Honour and Integrity yet we crave Leave to say it is an ill Precedent and may be of ill Consequence if in Process of Time any avaricious or designing Persons should be in that Station

Signed p Order Rich[d] Dallam Cl. H. Del.

The Hon̄ble Col[o] Ennalls and Col[o] Tilghman enter the

L. H. J. Lib. 41 House and deliver Mr Speaker Bill for Relief of Robert Roberts Indorsed

October 30th 1711

Read in Council the first and second Times and will pass
Signed p Order Wm Bladen Cl. Council

Bill to confirm Land to Col^o^ William Holland Mr Chew and Richard Harrison Indorsed

By the Council
October 30th 1711.

Read the first and second Times and will pass
Signed p Order Wm Bladen Cl. Council.

The same Bills read again in the House and past for ingrossing

The same Gentlemen also bring into the house Bill ascertaining the Gauge of Tobacco Hogsheads &^ta^ Indorsed

By the Council in Assembly
October 30th 1711

Read in Council the first and second Times and will pass with the Amendments
Signed p Order Wm Bladen Cl Council.

Bill impowering Thomas Edmondson to sell Land for Payment of John Edmondson's Debts indorsed

By the Council
October 30th 1711

Read in Council the first and second Times and Quere whether it may be necessary to insert an Exception to such of the Lands as have been already sold pursuant to John Edmondson's Will by the other Executors
Wm Bladen Cl. Council

Which being read in the house and debated ordered the Bill be thus indorsed,

Eod. Die.

Read again in the House and Resolved a Clause be added to except such of the Lands as have been already sold pursuant to John Edmondson's Will by the other Ex^rs^ where the Purchasers can make it appear to the Justices of Talbot County

Court in Court sitting that they have paid a reasonable Consideration therefor, or give Security for the Paym^{t} thereof L. H. J. Lib. 41

Bill relating to poor Debtors Indorsed

October 30th 1711
By the Council in Assembly

Read in Council and it is the Opinion of this Board that whatsoever has been done in Pursuance of the Former Law and until such Time as her Majesty's Dissassent thereto published here, was, and is well done, and ought not to be disputed in any of the Courts of this Province provided the Directions of the said Law have been duly complyed with and therefore they do not think the Bill now proposed any wise necessary But (if the House are of a contrary Opinion) Resolved the Consideration thereof be referred to the next Session of Assembly after the Arrival of a Governor.

Signed p Order Wm Bladen Cl. Council.

Ordered it be considered to Morrow Morning.

Bill impowering Commissioners to lay out Land for the Nanticoke Indians Indorsed p. 305

By the Council
October 30th 1711

This Bill has been read the first Time Whereupon it is recommended to the House that the Lands be vested in some Persons and their Heirs Capable of taking for the use of those Indians the Public not being so and that there be a Clause in the Law to bar Minors Femmes Covert &^{ta} and to oblige the Com^{rs} to return their Proceedings to be recorded in the Secretary's Office and Somerset County Court Records

Signed p Order Wm Bladen Cl. Council.

Which being read and debated Ordered it be indorsed

Eodem Die

Read again in the House and the Amendments proposed agreed to and the Hon̄ble Col^{o} Ennalls and Lt Col^{o} Gale appointed Trustees &^{ta}

Richd Dallam Cl. Ho. Del.

Bill relating to Officers ffees Read the second Time with the Amendments and will pass

L. H. J. Lib. 41 Moved that the Vote relating to the Referrence of John Clement's Petition until next Session may be reassumed, And Resolved in the Affirmative and that Leave be given to bring in a Bill this Session unless Mr William Taylard shall to Morrow shew Cause to the contrary.

The House adjourned till to Morrow Morning Nine O'Clock

Wednesday 31st October 1711

The House met according to Adjournment Being called over were present as Yesterday except Mr Vanderheyden who is sick

The Gentl. appointed to agree with Mr Edwards to the Quarter Part of the Lot N° 37, Report That Mr Edwards offered four Pounds for a ffee simple Mr Edwards appeared in the House and agreed to pay four Pounds therefor and to pay the Charge of the Act.

Resolved the Committee of Laws draw a Bill to confirm the same to him.

Ordered Mr Cadwallader Edwards make good and sufficient Window Shutters for all the Windows in the Stadt House where wanting and lay his Accounts thereof before this House, for which he shall be paid by the Public.

Bill relating to poor Debtors read with the Council's Indorsment debated and ordered to be indorsed.

By the House of Delegates
31st October 1711

The House concur with the Hon̄ble Council's Opinion that whatsoever has been done in Pursuance of the former Law and until such Time as her Majesty's Dissassent thereto published here was, and is well done and ought not to be disputed in any Court of Judicature but considering the different Opinion of the sundry think this Bill highly necessary and at the Request of the Hon̄ble Council will not at present further proceed therein but leave the Consideration thereof as the Hon̄ble Council desire

Signed p Order R. Dallam Cl. Ho. Del.

Bill for Gauge of Tobacco Hhds and to prevent cropping Read. Put to the Question whether the Bill pass as amended by the Council or not? Carryed by Majority of Votes in the Affirmative and Resolved the Bill be ingrossed

The Address of this House to the Hon̄ble President and

Council and the Bill for reviving the Act for Limitation of Officers ffees sent to the Hon̄ble Council by Col° Lowe, Mr Worthington, Mr William Wilkinson, Mr Crabb, Mr Lee, Mr Tyler, Mr Hammond and Mr Mariartee. L. H. J. Lib. 41

They return and say they delivered the Message and Bill

John Clement's Petition again read in the House and Mr William Taylard heard against the same Resolved Leave be given to the Petitioner to bring in a Bill as prayed, with a saving the Right of the Heir of William Ford

Ordered the Committee of Accounts allow Mr William Taylard two thousand Pounds of Tobacco in full of all Services done for the Publick in the year 1709 p. 306

The Honble Col° Ennalls and Col° Addison from the Council enter the House and deliver Mr Speaker Bill confirming Land to Major Hawkins and Henry Wright Indorsed

By the Council
October 30th 1711

Read the first and second Times and will pass.
W Bladen Cl. Co.

Bill to confirm a Release from Susannah Tracey to James Heath. Indorsed

30th Octo. 1711
By the Council &^ta^

Read the first and second Times and will pass
W. Bladen Cl. Council.

The two Bills read again and past for ingrossing
The Gentl. also bring the following Message

By the Council in Assembly
October 31st 1711.

On Perusal of your Message by Mr Worthington and others we find the Public has usually allowed for the Seals of all Laws as well private as publick and are not willing to engage the Hon̄ble Gentleman who now keeps that Seal in any Thing he may happen to become accountable to his Successor for
Signed by Order W Bladen Cl. Council.

Bill impowering Thomas Edmondson to sell Land Read with the Amendment and will pass

Bill impowering Com^rs^ to lay out Lands for the Nanticoke Indians Read again with the Amendments and will pass

L. H. J. Lib. 41 Bill investing Land in Richard Bennett Esq. Read the first and second Times by especial Order and will pass.

Bill for Naturalization of Peter Sanders, Stephen Rashoon and William Cody and their Children Read the first and second Time by special Order and will pass

The four Bills sent up to the Council by Capt. West, Mr Pearce Mr Colegate and Mr Wright

The Petition of the Inhabitants of Prince George's County about the Ferry at Mount Calvert brought into the House indorsed

By the Presid^t^ & Council
October 26th 1711

This Board concur with the House and Order That the Justices of Prince George's County do not further continue the Ferry at Mount Calvert at the County Charge

Signed p Order W Bladen Cl. Co.

Which Petition being again read Ordered it be indorsed

By the House of Delegates
October 31st 1711.

Ordered That the Justices of Prince George's County Court do not presume to levy any Tob^o^ on the County for keeping the fferry at Mount Calvert and that Mr Stoddart, Mr Tanyhill Doctor Claudius and Mr Clagett, four Justices that caused the fferry to be kept contrary to the Order of this House pay to the Clerk of this House £ 500 Tob^o^ for all ffees due to him upon Occasion of the Petition.

Signed p Order Richd Dallam Cl. Ho. Del.

Sent up to the Council by Mr Tyler for their Concurrence. He returns and says he delivered the same.

Committee of Accounts enter the House and deliver Mr Speaker their Journal: Which was read and assented to by the House and Ordered Mr Philips and Mr Bordley carry the same up to the Hon̄ble Council for their Concurrence.

They return and say they delivered the Journal.

The Honble Samuel Young Esq. and Col^o^ Greenberry enter the House and deliver Mr Speaker Bill relating to Officers ffees Indorsed

By the Council in Assembly
October 31st 1711

Read in Council the first and second Times and by special Order will pass.

W Bladen Cl. Council.

Bill impowering Com^rs^ to lay out Lands for the Nanticoke Indians. L. H. J. Lib. 41

By the Council in Assembly,
Octr 31st 1711

Read in Council and will pass
W Bladen Cl. Co.

Bill impowering Thomas Edmondson to sell Land &^ta^ Indorsed p. 307

By the Council in Assembly
October 31st 1711

Read in Council and will pass
W. Bladen Cl. Council

Bill for Naturalization of Peter Saunders and others indorsed

October 31st 1711

Read in Council the first and second Times and will pass.
W. Bladen Cl. Co.

Bill investing Land in Richard Bennett Esqr Indorsed

By the Council in Assembly
Oct. 31st 1711.

Read the first Time and will pass with a Saving to the Lord Baltimore's Right of Escheat if any
Wm Bladen Cl. Council.

The several Bills, except Mr Bennett's Read in the House and past for ingrossing.

Bill reinvesting Lands in Seward's Heirs, Read again, Put to the Question whether the Bill pass or not? Carryed in the Affirmative, and Resolved the Bill pass

Sent up to the Council by Mr Greenfield and Capt. Crabb. They return and say they delivered the Bill.

Mr William Wilkinson moved That he might have Leave to go Home upon extraordinary Occasions which was granted by the House.

Bill investing Land in Richard Bennett Esq. Read with the Amendments proposed by the Council. Put to the Question whether the Bill pass with the Amendments proposed by the Council or not? Carryed in the Negative. Resolved the Bill be referred for further Consideration to Morrow Morning

L. H. J. Lib. 41 Col° Addison enters the House and delivers Mr Speaker Bill for reinvesting Seward's Heirs into Land Indorsed

31st October 1711
By the Council in Assembly

The Lord Proprietary having no Agent at present to be heard to this Bill it's referred to the next Session according to former Order

Signed p Order W Bladen Cl. Council.

Also Prince George's County Petition about the Ferry.

The House adjourned till to Morrow Morning Nine O'Clock.

Thursday 1st November 1711

The House met according to Adjournment Being called over were present as Yesterday except Mr William Wilkinson who had Leave to go Home.

Read what was done Yesterday

Bill investing Land in Richard Bennett Esq. again read and committed for Amendment

Bill investing Land in Seward's Heirs again read and referred till next Session of Assembly

Ordered the Treasurer of the Western Shore send for a Flagg and six Drum Lines for the publick use and at their Cost and Risque.

The Hon̄ble Col° Tilghman enters the House and delivers Mr Speaker the Journal of the Committee of Accounts assented to by the Hon̄ble Council

Mr Philips, Mr Bordley, Mr Hill, Mr Bradford and Mr Scott appointed to join with some Members of her Majesty's Hon̄ble Council to apportion the publick Levy.

The following ingrossed Bills read.

1. Ingrossed Bill appointing how long Runaways shall be in Prison

2. Ingrossed Bill reviving and continuing the Act for regulating the Militia

3. Ingrossed Bill to reform the ill Practice of High Sheriffs

4. Ingrossed Bill confirming the Title of Land to Col° Holland Saml Chew and Richard Harrison &^c^

5. Ingrossed Bill for Relief of Tobias and John Pollard

6. Ingrossed Bill reviving and continuing the Act for Limitation of Officers Fees.

7. Ingrossed Bill reviving, continuing, and making good and valid in Law the Process and Proceedings of Saint Mary's County Court. L. H. J. Lib. 41

8. Ingrossed Bill for settling Land on William Hickman of Calvert County p. 308

9. Ingrossed Bill impowering Robert Roberts of Queen Ann's County to sell Part of the Land of John Toas

10. Ingrossed Bill for Naturalization of Peter Saunders of Talbot County, Stephen Rashoon of the same County and William Cody of Charles County and their Children

Which said ten Bills were read and ordered to be indorsed severally

1st November 1711

Read and assented to by the House of Delegates and Signed p Order Richard Dallam Cl. Ho. Del.

Sent up to the Hon̄ble Council by Mr Bowles, Mr Greenfield, Mr Jowles and Capt. Crabb for their Honours' Assent They return and say they delivered the Bills

Mr Vanderheyden appears in the House. Colo Ennalls and Colo Tilghman enter the House and deliver Mr Speaker the several ingrossed Bills sent up this Day severally indorsed

November first 1711

Read & assented to by her Majesty's Hon̄ble Council & Signed p Ord. W Bladen Cl. Co.

Ingrossed Bill confirming Land to Major Hawkins and Henry Wright

Ingrossed Bill impowering Thomas Edmondson to sell Land

Both read and Ordered to be indorsed

1st November 1711

Read and assented to by the House of Delegates and Signed p Ordr Richard Dallam Cl. Ho. Del.

Bill to invest Land in Richard Bennett Esq. Read again with the Amendments & will pass

These three Bills sent up to the Council by Major Gale, Mr Mackall, Mr Greenfield & Mr Story They return and say they delivered the Bills

L. H. J. Lib. 41 Moved That it's necessary a Bill should be brought in to restrain and prevent the Damages that may happen from Negroes. Resolved such Bill is absolutely necessary and referred to the Consideration of next Session

Col° Holland from the Hon̄ble Council enters the House and delivers Mr Speaker Bill investing Land in Richard Bennett Esq. Indorsed

Eodem Die

Read again in Council and past for ingrossing
W Bladen Cl. Council.

The Bill again read and past for ingrossing

Col° Coursey enters the House and delivers Mr Speaker ingrossed Bill impowering Thomas Edmondson to sell Land. Ingrossed Bill confirming Land to Major Hawkins and Henry Wright severally indorsed

November 1st 1711.

Read and assented to by her Majesty's Hon̄ble Council and
Signed p Order W Bladen Cl. Council.

Mr Bowles has Leave to go Home upon extraordinary Occasion

Bill for Relief of John Clements Read the first and second Times by special Order and will pass

Nicholas Spome's Petition is by the House rejected.

Ingrossed Bill impowering Commissioners to lay out Land for the Use of the Nanticoke Indians

Ingrossed Bill confirming Release from Mrs Susannah Tracey to Mr James Heath

Ingrossed Bill rectifying a Mistake in the Will of Mr John Edwards &^ta^

Which three Bills were read and indorsed severally

November 1st 1711.

Read and assented to by the House of Delegates and
Signed p Order Richd Dallam Cl. H. Del.

These three ingrossed Bills and the Bill for Relief of John Clements sent up to the Hon̄ble Council by Mr Ungle, Mr Tyler, Mr Robins and Major Hammond. They return and say they delivered the Bills.

Prince George's County Petition from the Council indorsed

By the Council in Assembly
October 31st 1711.

L. H. J. Lib. 41 p. 309

This Board have perused the Minute of the Journal of the House of Delegates October 27th 1710 in the Fol. 14 and do not take the same to be any Ordinance of Assembly the Concurrence of this Board not being given or so much as desired thereto

Sign'd p Order W. Bladen Cl. Council.

Whereupon the House resolved the Petition be again indorsed

By the House of Delegates
1st November 1711

This House have allowed to their Clerk five hundred Pounds for ffees upon Occasion of this Petition and pray the Hon̄ble Council to ascertain their Clerks ffee and concur with the House's last Message

Signed p Order. R Dallam Cl. H. Del.

Sent to the Council p Mr Tyler.

The House adjourned till to Morrow Morn. Nine O'Clock

Friday 2nd November 1711

The House met according to Adjournment

Being called over were present as Yesterday except Mr Bowles who had Leave to go Home.

Resolved a Message be sent to the Hon̄ble Council to know if they have made any Resolve on the House's Address as follows

By the House of Delegates
2d November 1711.

If the Hon̄ble President and Council have made any Resolve on the House's Address presented to them on Wednesday last to redress the Aggrievances complained of they pray their Honours to communicate the same to this House

Signed p Order Richd Dallam Cl. Ho. Del.

Petition of David Pagett of Queen Ann's County praying Leave to bring in a Bill for the Naturalization of him and his Daughter Read and Leave given to bring in a Bill as prayed.

Bill for Naturalization of David Pagett of Queen Ann's County Read the first and second Times by special Order and will pass.

L. H. J. Lib. 41 Ingrossed Bill ascertaining the Gauge of Tobacco Hhds and to prevent Cropping Cutting & defacing Tobacco taken on Board Ships and Vessels upon Freight Read and Indorsed

2d Nov. 1711.

Read and assented to by the House of Delegates and
Signed p Order R Dallam Cl. Ho. Del.

The Hon̄ble Colo Ennalls enters the House and delivers Mr Speaker Bill for Relief of John Clements Indorsed

Eodem Die

Read in Council and will pass with the Amendments
W Bladen Cl. Co.

Read again and past for ingrossing with the Amendments

The Message prepared this Morn and the Bill for Naturalization of David Pagett sent up to the Hon̄ble Council by Colo Smallwood, Mr Tyler, and Mr Greenfield. They return and say they delivered the Message and Bill

Resolved That the Hon̄ble Philemon Lloyd Esqr Deputy Secretary be sent for & acquainted that he has not pformed the Order of the House and his Promise to remove the Chest of Papers out of School House Porch.

Mr Secretary appeared in the House and Mr Speaker acquainted him thereof. He excused himself and promised to see it done and withdrew.

The House took into Consideration the Referrence relating to the Abuses in the Secretary's Office relating to the Removal of the County Court Clerks and came to the following Resolve

1. That it is illegal that the Secretary or his Deputy should be admitted to exercise that Office before giving Security and taking an Oath to qualify them for the same

2. It is illegal for the Secretary or his Deputy to displace or turn out any County Court Clerk legally and duly qualified and invested with that Office without shewing lawful Cause to the County Court to which he belongs.

3. That the Justices of the County Court may Lawfully refuse or displace any Clerk imposed upon them not qualified for that Office acquainting the Secretary therewith and upon his Refusal to appoint another sufficient and capable Person.

p. 310 4th That it's illegal for the Secretary or his Deputy contrary to his Instructions to sell or dispose of the County Clerks

Places or take any more ffee or Reward therefor than the tenth Part of the Fees according to the Order of the late King William in Council L. H. J. Lib. 41

The Hon̄ble John Dorsey Esq. enters the House and delivers Mr Speaker Bill for Naturalization of Daniel Pagett Indorsed

Eodem Die

Read in Council the first and second Times by special Order and will pass

W Bladen Cl. Council

The said Bill read again in the House and past for ingrossing

The Hon̄ble Col^o^ Ennalls and Col^o^ Addison enter the House and deliver Mr Speaker, Prince Geo. County Petition indorsed,

Eodem Die

By the Council in Assembly

We have already ordered the fferry at Mount Calvert not to be longer continued at the County Charge but think it reasonable the Charge thereof may be assessed for this present Year 1711

Signed p Order Wm Bladen Cl. Co.

Ingrossed Bill investing two Tracts of Lands in Richard Bennett Esq. Read and indorsed

2^d^ November 1711

Read and assented to by the House of Delegates and

Signed p Order Richd Dallam Cl. Ho. Del.

This ingrossed Bill and the ingrossed Bill for Gauge of Tobacco Hhds &^ta^ sent up to the Hon̄ble Council by Mr Smallwood and Mr Hicks

They return and say they delivered the Bills

Col^o^ Addison enters the House and delivers Mr Speaker three ingrossed Bills Viz.

Bill impowering Com^rs^ to lay out Land for the Use of the Nanticoke Indians

Bill confirming a Release from Susannah Tracey to Mr James Heath

Bill rectifying a Mistake in the Will of Mr John Edwards. All three Severally indorsed

L. H. J. Lib. 41

1st Nov. 1711

Read and assented to by her Majesty's Hon̄ble Council and Signed p Ordr W Bladen Cl. Co.

Ingrossed Bill for Naturalization of David Pagett.

Colo Whittington enters the House and delivers Mr Speaker ingrossed Bill investing two Tracts of Land in Richard Bennett Esq.

Ingrossed Bill ascertaining the Gauge of Tobacco Hhds and to prevent cropping and defacing Tobacco &ta Severally indorsed

2d Nov. 1711.

Read and assented to by her Majesty's Hon̄ble Council and Signed p Order W Bladen Cl. Council.

Ordered Mr Cadwallader Edwards fit up the Council Office and the Naval Office in the Stadt House according to the Directions of Mr Hunt and Mr Bordley and to be paid for by the Public

18. Ingrossed Bill for David Pagett's Wife and Daughters Naturalization

19. Ingrossed Bill for Relief of John Clements and others Read both and indorsed

2d Nov. 1711.

Read and assented to by the House of Delegates and Signed p Order Richd Dallam Cl. Ho. Del.

The House proceeds to tax the Fees of private Bills past this Session Viz.

Bill confirming Title of Land to Colo Wm Holland and others	To the Honble Speaker	£2 .. 0 .. 0
	To the Clerk of this House	1 .. 0 .. 0
Bill for Settling Land on William Hickman	To the Honble Speaker	2 .. 0 .. 0
	To the Clerk	1 .. 0 .. 0
Bill for Relief of Tobias and John Pollard	To the Honble Speaker	0 .. 0 .. 0
	To the Clerk of this House	1 .. 0 .. 0
Bill for Relief of Robert Roberts of Queen Ann's County	To the Speaker	0 .. 0 .. 0
	Paid to the Clerk	0 .. 4 .. 6
Bill for Naturalization of Peter Saunders	To the Speaker	1 .. 0 .. 0
	To the Clerk	0 .. 10 .. 0
Stephen Rashoon	To the Speaker	1 .. 0 .. 0
	To the Clerk	0 .. 10 .. 0
William Cody	To the Speaker	1 .. 0 .. 0

Bill confirming Land to Major Hawkins and Henry Wright &			L. H. J. Lib. 41
Maj. Hawkins	To the Speaker	£2 .. 0 .. 0	
	To the Clerk	1 .. 0 .. 0	
Henry Wright	To the Speaker	1 .. 0 .. 0	
Bill impowering Thomas Edmondson to sell Land	To the Speaker	0 .. 0 .. 0	
	To the Clerk	0 .. 5 .. 0	
Bill confirming Mr Heath's Deed from Susannah Tracey to be			p. 311
paid ℔ Mr Heath	To the Speaker	1 .. 0 .. 0	
	To the Clerk	0 .. 10 .. 0	
Bill rectifying a Mistake in Mr Edwards his Will to be paid			
by John Stoaks	To the Speaker	2 .. 0 .. 0	
	To the Clerk	1 .. 0 .. 0	
Bill investing Land in Richard	To the Speaker	2 .. 0 .. 0	
Bennett Esq.	To the Clerk	1 .. 0 .. 0	
Bill confirming Proceedings in	To the Speaker 1000 ℔ Tobo		
Saint Mary's County Court	To the Clerk 500		
David Pagett Bill for Naturalization	To the Speaker	1 .. 0 .. 0	
	To the Clerk	0 .. 10 .. 0	
Bill for Relief of John Clements	To the Speaker	0 .. 10 .. 0	
	To the Clerk	0 .. 5 .. 0	

The Honble Colo Holland, Colo Coursey, Colo Ennalls and John Dorsey Esqrs enter the House and deliver Mr Speaker the following Message.

By the Honble President and Council in Assembly
November 2d 1711.

Gentl. In Answer to your Message on Wednesday last, we assure you we are truly well inclined to redress any Aggrievance you represent so far as in our Power, when duly made appear to us, but we cannot conceive any Judge of a Court ought to be questioned for his Opinion when given impartially and without Corruption of which we have not the least Reason to suspect any of the Justices of the Provincial Court and more particularly that Gentl. of whose Honour and Integrity you are pleased to say you have no Suspicion, tho' he were abstracted from any Relation to this Board. As to the ill Precedent represented we must observe to you, that her Majesty's Secry Sr Thos. Lawrence sat as one of the Judges of the Provincial Court and when he was displaced obtained his late Majesty's Order to be restored thereto. Yet to prevent the Opinion of any particular Justice being prejudicial to the Public we think it advisable more be added to the Provincial Court. The Remoteness of some of the Justices Habitations, Sickness and other Accidents that may happen to prevent their Attendance, being impossible to be foreseen

Signed p Order W Bladen Cl. Co.

L. H. J. Lib. 41 Which being read and debated it's Resolved it be answered as follow—

To the Hon̄ble President and Council

The humble Address and Remonstrance of the Deputies and Delegates of the Province of Maryland in Assembly convened

On Wednesday last we addressed your Honours setting forth an Aggrievance the Province laboured under wherein we very modestly and candidly laid the same before your Honours to be redressed not intending thereby to accriminate any Person or did or do we harbour any dishonourable Thoughts of the Gentl. that are Judges of the Provincial Court only desiring thereby your Honours to prevent our Laws to be dispensed with and held for null and void while in Force and the Mischiefs that may happen by Persons being judicial and Ministerial Officers in any Court. But instead of having that Aggrievance prevented or receiving any satisfactory Answer thereto, we find, after long Delay only a Message evading the Substance of the Aggrievance under Pretext to justify and continue it, the President your Honours Assigne of Sir Thomas Lawrence being restored is very foreign and the Constitution of the Courts of Judicature are quite altered to what they were then, for the Governor as well as the Council
p. 312 immediately after the Revolution were Judges of the Provincial Court. Your Honours may remember, we two Years since complained to you of the like Aggrievances of Ps̄ons being Judges in two Courts, which your Honours then agreed were such and concurred with us to address the Queen that the Office of Governor and Keeper of the Great Seal in one and the same Person was inconsistent by Reason Appeals might be from one Court to another and to one and the same Person. Which Aggrievance we conceive is not so great as one Person's being at the same Time a Member of your Hon̄ble Board, a Judge of the Provincial Court and a Ministerial Officer receiving the whole Profits of the ffees in that Court and under no Obligation or Oath to exercise the Office of Deputy Secretary. We have no Intent or Design to retrench her Majesty's Prerogative and are satisfied with more Justices, your Honours shall please to appoint in the Provincial Court We have very freely consented to charge ourselves and the People we represent with very great Sums for the Attendance of your Honours in Council which indeed appears to be the great Cause of calling us together (tho' we expected and were in great Hopes your Honours would with us con-

curred to have eased the People of their Burthen and Aggrievances) but we too plainly see no other use made of our House in the Absence of a Governor than to be slighted and lead ourselves and Posterity into very great Illconveniencies We are of Opinion, and well assured you have now as great Power to redress the Aggrievances the People we represent lye under, as ever and if your Honours do not think fit to exert it, we shall leave it fairly on our Journals to appear that we have done our Duty and Endeavours, and if we cannot remove and have their Aggrievances redressed, we are resolved to lay on them no Burthen or Oppression by assenting to any Act to tax them with any publick Levy and therefore desire to return to our Families L. H. J. Lib. 41

Signed p Order Rich[d] Dallam Cl. Ho. Del.

Being read was ordered to be sent up to the Council to Morrow by Major Gale, Col[o] Low, M[r] Salter, M[r] West, M[r] Worthington, M[r] Dare, M[r] Mackall, M[r] Skinner, M[r] Tyler, M[r] Paca.

Bill for Payment and Assessment of the publick Levy and the two last ingrossed Bills sent up to her Majesty's Hon̄ble Council by Col[o] James Smallwood and M[r] Hicks.

They return and say they delivered the Bills.

The House adjourns till to Morrow Morn, 9 O'Clock.

Saturday 3[d] November 1711

The House met according to Adjournment Being called over were all present as Yesterday except M[r] Hunt.

M[r] Vanderheyden and M[r] Ward have Leave to go Home.

Ordered the Gentlemen appointed to carry up the Address withdraw therewith.

They return and say they delivered the same

The Hon̄ble John Dorsey Esq. enters the House and delivers M[r] Speaker ingrossed Bill for Relief of John Clements

Ingrossed Bill for Naturalization of David Pagett

Indorsed severally

November 2[d] 1711

Read and assented to by her Majesty's Hon̄ble Council and Signed p order W Bladen Cl. Co.

Bill for Payment and Assessment of the Publick Levy Indorsed

L. H. J. Lib. 41

Eodem Die

Read in Council and this Bill being a Law that will have it's Effects this present Year the Clause ascertaining who shall be deemed Taxables is not thought proper to be added to this Bill; but if the House think fit a separate Law may be made therefor if not already provided for

Signed p Order. W. Bladen Cl. Co.

Also the Remonstrance of M[r] Charles Carroll and M[r] William Bladen Indorsed

By the President and Council in Assembly
November 2nd 1711.

p. 313 The above Remonstrance being read at the Board is referred to the Consideration of the House of Delegates.

Signed p Order. W Bladen Cl. Council.

Read and referred till next Session.

Ordered the following Ordinance be prepared

Whereas the Inhabitants of Prince George's County have set forth to this present General Assembly That four of the Justices of that County Court have burthened that County with the unnecessary Charge and Expence of keeping a Ferry over Patuxent River at Mount Calvert and that without the Consent of the rest of the Justices and Inhabitants thereof to their great Damage, Oppression and Aggrievance It is therefore ordained by the Hon̄ble President, Council and Assembly of this Province and the Authority of the same That the Justices of Prince George's County Court do not presume upon any Pretence whatsoever to continue that Ferry at the County Charge any longer than their November Court this present year 1711 and that they yield all due Obedience to this Ordinance as they and every of them will answer the Contrary to the next General Assembly.

Which being read Ordered it be indorsed

3[d] November 1711

Read and assented to by the House of Delegates and
Signed p Order Richard Dallam Cl. Ho. Del.

Sent up to the Council for their Assent by M[r] Lee
He returns and says he delivered the same

Col° Addison enters the House and delivers Mr Speaker the said Ordinance indorsed L. H. J. Lib. 41

3^d^ Nov. 1711

Read and assented to by her Majesty's Hon̄ble Council
Signed p Order W. Bladen Cl. Co.

Mr Paca has Leave to go Home

The Hon̄ble Col° Coursey, Col° Ennalls, Mr Young, Col° Greenberry and Col° Whittington enter the House and deliver Mr Speaker the following Message

By the Hon̄ble President and Council in Assembly
November 3^d^ 1711.

In Answer to your Address this Day by Lt Col° Gale and nine others of your Members we must observe to you that the present Justices of the Provincial Court holding their Offices by Patent made them in Governor Seymour's Time and her Majesty's Royal Instructions prohibiting the Governor &^ta^ to displace any of them without sufficient Cause represented to her Majesty, we do not take what is offered from your House as an Aggrievance to be a sufficient Reason to displace any of them without some particular Misfeazance in their Offices assigned against them which we shall at all Times be ready to hear

We cannot but resent your saying you had very freely consented to charge yourselves & the People you represent with very great Sums for our Attendance in Council which you assert to be the great Cause of calling us together; and absolutely deny an Imputation so untrue and unworthy of your Representative Body which her Majesty's several Commands laid before you this Session and the absolute Necessity of Enacting and reviving some good Laws for the Preservation and Welfare of the Province plainly demonstrate. Many Councils this Year having been occasioned by her Majesty's Expedition designed against Canada, As they burthen the Country with Charge so have they been to our Fatigue and Loss in our private Affairs. And as for your Threats of going Home without assessing the publick charge you must believe it will as little affect this Board as the Members of your House But if the Province, in the Condition it now is, surrounded with Enemies should suffer for Want of the good Laws now reenacted especially that regulating the Militia and be burthened with another speedy Assembly let it be at your Doors.

We are sorry the Deference we have and always shall pay p. 314

L. H. J. Lib. 41 to her Majesty's Royal Commands and Instructions is taken for a slighting your House and leading you and your Posterity into very great Inconveniencies and tho' we shall always shew a great Regard for the Welfare of this Province (in which we have as great an Interest as any) and to you their Representatives yet at the same Time you must give us Leave to assert our Duty to her Majesty, the Hon^r of this Board, and our own Reputations

Signed p Order W Bladen Cl. Co.

Which being read and debated in the House Resolved the following Message be again sent to their Honours.

By the House of Delegates
3^d Nov. 1711

We are sorry your Honours misconstrue our Address, and may well be ignorant of your having Commands not to displace any Justice without Cause shewed to her Majesty you never having communicated them to us. We presume that her Majesty knows not that any of them are as well Ministerial as Judicial Officers nor that the Ministerial Office is executed without any Oath taken. Certainly if the Public declaring the Laws past here to be of no Force before her Majesty's Dissassent thereto signified be not an Aggrievance we know not what is We may well assert the laying the Levy to be the great Cause of calling us together since it's the first Thing you communicated to us at the Opening this Session, and so no Untruth in us; which Expression we have great Reason to resent

We know of no Threats in our Address of going Home without assessing the publick Charge but still are of Opinion not to assent to it without removing our Aggrievances which are a greater Burthen than calling another Assembly who we doubt not will insist upon it too We have nothing more before us but to wait your Honours Commands to be discharged

Signed p Order Richd Dallam Cl. Ho. Del.

Sent up to the Hon̄ble Council by Col^o Smithson, Mr Mariartee, Mr Scott, Mr Bradford, Mr Robins and Captain Jones

The Hon̄ble Coursey, Col^o Ennalls, and Col^o Addison enter the House and deliver Mr Speaker the following Message.

By the Hon̄ble President & Council in Assembly
Novr 3^d 1711.

We never heard that any of the Justices of the Provincial Court ever publickly declared any Laws legally passed in this

Province were of no Force before her Majesty's Dissassent thereto, and if any Opinions have been given by them concerning Laws Enacted by two of the three Estates and not the other conform to what her Majesty has been pleased to approve of and laid before you this Session we cannot unless we thought it proceeded of Corruption think the Persons guilty of any Crime for uttering the same neither can we on the narrowest Scrutiny find any Difference between Sir Thomas Lawrence and the present Deputy Secretary acting in the Provincial Court as a Judge and Secretary and wish you to reflect that Security is given for the Ministerial Office by the Secretary in Chief and the Clerk of that Court Sworn to keep a true Record and the Person pointed at has taken an Oath for the due Execution of his Judicial Office In which if you have any just Accusation against him or any others we are ready to hear you, if not we hope you will not further press us on this Score but faithfully execute the Trust reposed in you by concluding this Session to the best Advantage and Service of the Country. L. H. J. Lib. 41

Gentl. After such amicable Procedures as have been this Session between us, We little expected that our adventuring to defer laying her Majesty's Commands before you till this Time, thereby preventing the Charge of convening an Assembly in the Summer would have met so perverse a Construction that the assessing the publick Charge, but more especially our Allowances for Attendance in Council were the great Occasion of this Session nor is there any Justice in your laying hold of the Hon̄ble Presidents Expression that this was the usual Time for assessing the publick Charge p. 315

Signed p Order W Bladen Cl. Council.

Which being read and debated Resolved it be answered as follows.

By the House of Del.
3d Nov. 1711

Notwithstanding we are assured what we have addressed your Honours to remedy is our just Right and worthy your Honrs Consideration we are willing at present to waive any further Debate about it and therefore have sent the Bill for assessing the publick Levy for your Assent.

Signed p Order Richd Dallam Cl. Ho. Del.

Sent up with the ingrossed Bill to the Hon̄ble Council by Majr Gale, Mr Hunt, Mr Worthington, Mr Ungle Mr Lee and Mr Jones.

L. H. J. Lib. 41

They return and say they delivered the Message and Bill

Col° Holland, Col° Whittington, Col° Tilghman and Mr Dorsey enter the House and deliver Mr Speaker the Bill for assessing the publick Levy Indorsed

3^d^ Nov. 1711

Read and assented to by her Majesty's Hon̄ble Council

Signed p Order W Bladen Cl. Council

Ordered Richard Dallam be allowed next Year in Somerset County 3000 ^lb^ Tob° to make his Allow. in St Mary's County equivalent to the Tobacco he ought to have had in Prince George's or Calvert County

Major Gale and Mr Bordley sent to the Hon̄ble Council to acquaint that Board this House have nothing before them and are ready to attend their Hon^rs^ to compleat this Session.

They return & say they delivered their Message

Col° Coursey and Col° Addison enter the House and command Attendance.

Prorogued till the 29th Nov. Inst.

3^d^ Nov. 1711

On Behalf of her most Sacred Majesty Queen Ann of Great Britain &^ta^ I will this be a Law And inform Mr Speaker that the Hon̄ble President commands him and the whole House to attend him in the Council Chamber to compleat this Session.

Mr Speaker and the House adjourn to the Council Chamber where Mr Speaker presented to the Hon̄ble President the several ingrossed Bills assented to this Session

Being in Number 20 whose Titles follow vizt

1 An Act to impower Commissioners to appoint and cause to be laid out three thousand Acres of Land on Broad Creek in Somerset County for the Use of the Nanticoke Indians so long as they shall occupy the same

2 An Act appointing how long suspected Runaways shall lye in Prison

3 An Act ascertaining the Gauge of Tobacco Hhds and to prevent cropping cutting and defacing Tob° taken on Board Ships and Vessels upon Freight

4 An Act to reform the ill Practice of High Sheriffs within this Province

5 An Act reviving and continuing an Act of Assembly in this Province intitled an Act for the ordering & regulating the

Militia of this Province for the better Security and Defence thereof and for the supplying some Defects therein L. H. J. Lib. 41

6 An Act reviving an Act Entitled an Act for Limitation of Officers ffees

7 An Act to revive, continue, and make good and valid in Law all Process and Proceedings in St Mary's County Court from the Eighth Day of June this present year to the first Tuesday of November ensuing

8 An Act for Payment and Assessment of the publick Charge of this Province

9 An Act confirming and making good and effectual in Law a certain Deed or Release made by Susannah Tracey Wife of Thomas Tracey of Ann Arundel County Carpenter to James Heath of Q. Ann's County Gentl.

10 An Act impowering Thomas Edmondson of Talbot County surviving Executor of his Father John Edmondson to sell and dispose of the Lands by the said John Edmondson left for the Payment of his Debts.

11 An Act for Naturalization of David Pagett of Queen Ann's County Planter and Mandlin his wife & their Children.

12 An Act confirming to Major Hawkins and Henry Wright of Queen Ann's County certain Lands therein mentioned

13 An Act for Relief of Tobias and John Pollard of Dorchester County Gentlemen

14 An Act confirming the Title of Land therein mentioned unto Col^{o} William Holland Richard Harrison and Samuel Chew.

15 An Act to rectify a Mistake in the Writing the last Will & Testam^{t} of the Reverend John Edwards late of Baltimore County deceased and for settling an Estate of Inheritance in fee simple on John Stokes the Devisee in the said Will named. p. 316

16 An Act for settling and vesting an Estate of Inheritance in ffee simple of and in one hundred and fifty Acres of Land lying in Calvert County on William Hickman of Calvert County Carpenter Son and Heir of William Hickman deceased and by the said Hickman the ffather purchased of and from a certain Thomas Hinson

17 An Act impowering Robert Roberts of Queen Ann's County to sell Part of a Tract of Land lying in Cecil County called New Munster late the Land of John Toas for the Uses therein mentioned and to make good and valid such Sale.

18 An Act investing two Tracts of Land in Richard Bennett Esq. late the Land of John Howel deceased

19 The Act for Naturalization of Peter Saunders of Talbot

L. H. J. Lib 41 County Planter and his Children, Stephen Rashoon of the same County Planter, and Wm Cody of Charles County Taylor and his Children

20 An Act for Relief of John Clements of Talbot County Son of John Clements late of Talbot County and Legatee of Ann the Daughter of the said John Clements the elder and the Children of Thomas Clements and Mary Inchbudd being all the legal Representatives of the said John Clements the Elder.

All and every of which said Bills the Hon̄ble President was pleased to Enact into Laws by sealing each of them with the great Seal of this Province and indorsing them in the following Manner Viz.

3^d^ Novem^r^ 1711.

On Behalf of her Most Sacred Majesty Queen Ann of Great Britain &^ca^ I will this be a Law.

Edward Lloyd.

After which the Hon̄ble President was pleased to declare that with Advice of her Majesty's Hon̄ble Council he thought fit to prorogue this present General Assembly until the 29th Day of November Instant.

Thereupon Mr Speaker and the Members returned to their own House and prorogued themselves accordingly.

So ended this present fourth Session of Assembly on the 3^d^ Day of November 1711

Test Richd Dallam Cl. Ho. Del.

ACTS.

At a Session of Assembly begun and held at the City of Annapolis in the County of Ann Arundel, the 3rd day of November in the 10th Year of the Reign of our Sovereign Lady Anne, Queen of Great Britain, France and Ireland, Defender of the Faith, etc., Annoq. Domini 1711, were enacted the following Laws.

Edward Lloyd, Esq. President.

An Act to impower Commissioners to appoint and cause to be laid out Three Thousand Acres of Land, on Broad-Creek, in Somerset County, for the Use of the Nanticoke Indians, so long as they shall occupy the same Bacon

Whereas it is represented to this present General Assembly, That the Land formerly laid out for the Use of the Nanticoke Indians, is now much worn out, and not sufficient for them; And that it is thought adviseable that some further Provision be made for them;

II. Be it Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's President, Council, and Assembly of this Province, and the Authority of the same, That Lieut. Col. George Gale, Mr Samuel Worthington, Capt. Charles Ballard, and Mr Benjamin Wales, be, and are hereby appointed Commissioners, to cause Three Thousand Acres of Land to be laid out where the said Indians are now settled, in Somerset County, on Broad-Creek, in Nanticoke River, and the same to appoint to the Use of the said Indians, for so long as they shall occupy the same. And further, to cause such Land to be valued in such Manner as is herein after expressed; That is to say, The said Commissioners, or any Three of them, shall, some Time before the Twenty-fifth Day of March next, meet together, and make out their Warrant to the Sheriff of Somerset County, which said Sheriff is hereby required upon Receipt of such Warrant, to impannel and return a Jury of the most Substantial Freeholders of the said County, to be and appear before the said Commissioners, upon the said Land, at the Time in such Warrant appointed; which Jury, upon their Oaths, to be to them administered by the said Commissioners, or any Three of them, shall inquire, assess, and return what Damages and Recompence they shall think fit to be awarded to the Owners

Bacon of such Land, and all Persons interested therein, according to their several and respective Interests: And what Sum of Tobacco the said Jury shall adjudge the said Land to be worth, shall be paid to the Owners, and all Persons interested therein, by the Public of this Province.

III. And to the End that the Bounds of the said Land may be ascertained, and the Commissioners aforesaid, and Jury, the better enabled to judge of the true Value thereof, the said Commissioners are hereby impowered to employ the Surveyor of the County aforesaid, or some other skilful Person, in their Presence, to survey, lay out, and bound the same; which said Lines, so as aforesaid laid out, shall be marked on Trees, or other Land-Marks to perpetuate the Bounds thereof: The said Commissioners to return fair Certificates of their Proceedings to the Clerks of the Provincial Court, and Somerset County Court, for the Time being, to be by them Recorded in the said respective Courts.

IV. And be it Enacted by the Authority aforesaid, That when such Land is laid out and paid for by the Public as aforesaid, the Property thereof shall, by virtue of this Act, be vested in the Honourable Colonel Thomas Ennalls, and Lieut. Col. George Gale, and their Heirs, to and for the Use of the said Indians, so long as they shall occupy the same; and afterwards shall be disposed of as the General Assembly of this Province shall direct.

V. And that such Laying out, and Payment as aforesaid, and this Act, shall for ever bar the Heir or Heirs at Law, or his or their Assigns, or any other Persons whatsoever, of the Reversion or Remainder, Right, Claim, or Demand whatsoever, of, in, or to the said Land, or any Part or Parcel thereof; any Law, Statute, Usage or Custom to the contrary notwithstanding.

Reverdy Ghiselin
Thomas Bacon.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, Oct. 28 *to Nov.* 15, 1712.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

EDWARD LLOYD,
President of Council.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss.

U. H. J. p. 734

At the Council Chamber in the City of Annapolis Tuesday October the 28th in the eleventh year of the Reign of our Sovereign Lady Queen Ann of Great Brittain &c Annoq Domini 1712

Present

The Honble Edward Lloyd Esqr President

Saml Young Esqr	Col Wm Whittington
Col Thos Greenfield	Col Richd Tilghman
Col Char^{s} Greenberry	and
Col Thomas Addison	Capt John Dorsey

Her Majesty's Proclamation declaring the Suspension of Arms as well by Sea as Land agreed upon between her Majesty and the most Christian King & Enjoyning the observance thereof Was read at the Board. As also the Right Honble the Earl of Dartmouth her Majesty's Principal Secretary of States Letter of the 21st of August last accompanying the said Proclamation.

And on due Consideration of her Majesty's most tender and Royal regard to all her Subjects therein expressed Advised & Resolved the said Proclamation be forthwith published in the respective Countys of this Province & this Inst^{t} at the City of Annapolis

This being the Day appointed for the meeting of the General Assembly, Two of the members of the House of Delegates viz. Mr Robert Tyler and Mr Robert Ungle came and acquainted the Honble Presid^{t} that there were two & thirty Delegates in Town Sufficient to make an House p. 735

The Honble Saml Young Charles Greenberry John Hall and Wm Whittington Esq^{rs} were directed to go and pursuant to a Dedimus Potestatem for that purpose to administer the Oaths appointed by Law to the respective Delegates Who went in & some small time after returned and said They had administred the oaths required by Law to the Delegates and Burghesses Whom they saw Subscribe the Test

The Honble Presid^{t} acquainted the members of her Majesty's Council with what he intended to say to the House of Delegates upon their meeting which was well approved of by the Board

Mr Young and Capt Dorsey sent to the House to acquaint

U. H. J. the Delegates the honble Presid[t] is ready to receive them in the Council Chamber.

Who returned & said they had delivered their Message

The several members of the House of Delegates came up to the Council Chamber and were directed to repair to their House and make Choice of a Speaker

And accordingly the members of the House of Delegates went to their House and in some short time came up to the Council Chamber & presented M[r] Robert Tyler of Prince
p. 736 Georges County for their Speaker. Who very modestly and ingenuously prayed to be Excused from that Office alledging his Inability to discharge that Trust and desired the Delegates might proceed to make choice of a person more capable Which at his request the Honble President was pleased to Grant and thereupon the Delegates took leave & repaired to their House And after some short Time came up again to the Council Chamber And offered to the Honble Presid[t] that whereas others & more of the Delegates were come to the House and Claimed to have their Votes allowed on the Election of the Speaker Those who had already voted for M[r] Tyler refused to allow their Votes affirming the Speaker was Chosen before they came to the House so that they were too late To which they were answered by the honble President that upon M[r] Tyler's prayer the Delegates were directed to repair to their House and consider of the Choice of their Speaker Which not being done or the Speaker confirmed before the members claiming their Vote came into the House It will be but reasonable they should be admitted to their Votes. And therefore directed the Delegates to repair to their House and make Choice of a Speaker pursuant whereto they departed to their House And this Board being made acquainted the s[d] Delegates could not agree upon their Choice of Speaker The Honble President ordered her Majesty's Writt of Prorogation to be issued And the same Was carryed to the House of Dele-
p. 737 gates by the honble Col Thomas Addison Col Tilghman & Cap[t] Dorsey and read to them as followeth. Viz.

Ann by the Grace of God of Great Brittain France & Ireland Queen Defender of the Faith &c To our trusty and well beloved our Counsellours and Delegates and Burghesses elected to serve in our General Assembly of this our Province of Maryland to be convened as on this Day Greeting

Know ye that we have thought fit & do hereby prorogue the s[d] General Assembly until Wednesday the 29th Ins[t] At which Time We will you to convene yourselves at the Gen[l] Assembly in order to consult debate advise & Consent to such

Things as by the favour of Almighty God shall then and there happen to be ordained and Enacted to the Glory of God her Majesty's Honour and the Welfare of this Province Witness myself at the City of Annapolis this 28th day of October in the 11th year of our Reign &c Annoq Domini 1712 U. H. J.

Edward Lloyd

[Eod mag Sigll]

Maryland ss p. 738

At the Council Chamber in the City of Annapolis Wednesday October the 29th in the Eleventh year of the Reign of our Sovereign Lady Queen Ann of Great Brittain &c Annoq Domini 1712

Present

The Honble Edwd Lloyd Esqr President

Col Wm Holland	Col Wm Whittington
Saml Young Esqr	Phill Lloyd Esqr
Col Charles Greenberry	Col Richd Tilghman
John Hall Esqr	and
Col Thos Addison	Capt John Dorsey

The General Assembly of this Province standing Prorogued until this Day, Capt Richd Jones one of the Delegates for Ann Arundel County acquainted the Honble President that there were a Sufficient number of Delegates met in the House and were ready to attend him in Council

The Honble Col Greenberry & Col Tilghman were ordered to go down to the House of Delegates and let the members know his Honour the Presidt was ready to receive them in the Council Chamber

Col Greenberry and Col Tilghman returned and said they had delivered their message

And immediately the members of the House of Delegates came up to the Council Chamber & were advised by the Honble Presidt to make Choice of their Speaker & then returned down to their House and presently came up again to the Council Chamber and presented Mr Robert Ungle a Delegate of Talbott County whom they had chosen for their Speaker to be approved and confirmed by the Honble President Which was done notwithstanding the said Mr Ungle disabled himself and prayed his Honour to advise them to choose a more proper Person p. 739

After which the said Speaker prayed that the Delegates and their Servants might Enjoy their Priviledges in being free from Arrests and that he might have Access to his Honour's person

U. H. J. After which the Honble President thus bespake them. Viz.

Mr Speaker and you Gentlemen of the House of Delegates,

It having been under my Consideration when to call an Assembly I have been advised by her Majesty's honble Council to convene you at this Time not doubting but you will have it in your view to dispatch the necessary Business of this Sessions in as little Time as may be & that your Inclinations are to place as little Charge upon your Electors as possible for which reason I hope you will expedite what may be recommended to yr Considerations & also take the speediest methods to raise such Supplys as may be needful to defray the publick Charge of this present year which I can with
p. 740 sincerity say I have Endeavoured to make as light as I could. Your Hearty Efforts that Way will not only Convince the Country how careful you are of their Interest but also afford you an opportunity of returning in a few days to your respective Habitations

Gentlem. I am not unsensible some have a notion I may assent to any Laws that may be proposed. And It is therefore I am obliged to aquaint you Her Matys royal Instructions have restained me from passing any Acts in the Absence of a Governor in chief but what are immediately neccessary for the Preservation of the Peace and Welfare of the Province without her Majesty's particular Order for that purpose. Which being premised I am perswaded you will acquiesce in her Majesty's Commands and not expect me to act contrary to what I am so strictly charged with

Mr Daniel Mariartee and Mr James Lloyd from the House of Delegates came and presented Mr Richd Dallam their Clerk to be sworn as such and the sd Mr Dallam being approved of by the Honble Presidt was accordingly sworn and took the Oaths to the Government as well as that of Clerk to the House of Delegates

The honble Presidt was pleased to communicate her Majesty's Proclamation for the suspension of arms agreed on with the most Christian King & sent the same to the House of Delegates by Col Addison and Col Tilghman with several Gazetts & votes of the House of Commons in Great Brittain and wrote to them as followeth Viz.

p. 741 Mr Speaker & Gentlemen of the House of Delegates

Having the last Week received a Packett from the right honble the Earl of Dartmouth her Majesty's Principal Secretary of State with her royal Proclamation for a Suspension of Arms

as well by Land as Sea agreed upon between her Majesty & U. H. J.
the French King and also Several Gazetts & Votes of the House of Commons I gladly take this opportunity of communicating such acceptable news to you which Shews so delightful a Prospect of an approaching Peace so glorious to her Majesty and advantageous to her Kingdoms & Dominions

I am Gentlemen your most humble Serv

Edward Lloyd

The Council adjourned until Eight of the Clock to morrow morning.

Thursday October the 30th 1712

The Council Sate Present as yesterday with the addition of Col Thomas Greenfield.

Col Hoskins and seven others of the Delegates bring up the following answer to his Honours Speech to them yesterday

To the Honble Edward Lloyd Esq[r] President of her Majesty's honble Council of Maryland and Commander in Chief thereof.

We her Majesty's most dutiful & Loyal Subjects the Deputys and Delegates of the said Province in Assembly convened in most humble manner crave Leave to return your Honour our most dutiful & hearty Thanks for convening us at this Time when the Country we represent needs so much succour & p. 74[2]
relief, the deplorable Condition whereof In some measure we greatly hope will be lessened by the delightful Prospect of the glorious & happy Peace we expect will follow the Suspension of Arms agreed upon between her Majesty & the most Christian King, Her Majesty's royal Proclamation for declaring the same so happily arriving before the Time of our meeting: And your Honours prudent Care in so timely Communicating it to this House

As it always hath so we hope it ever will be the Care and Concern of this House to have it in their View to dispatch in a Convenient Time the necessary Business that lyes before them with such other Commands as your Honour hath to lay upon them and that with as little Charge as the necessitys of those we represent will bear assuring your Honour this House have under their Consideration the methods for raising such necessary Supplys as shall be needfull to defray the publick Charge of this Province for this present year Wherein we gratefully acknowledge your Honours Care and Endeavour to make it as light & Easy to its miserable Inhabitants as you

U. H. J. could but the opportunity of returning in a few days to our respective Habitations will never induce us willingly to leave the Country we represent in the same Condition it was when we were Elected

Your Honour cannot be more Sensible of the Notion some have that you may assent to any Laws that may be proposed than this House are of your tender Care & Concern to Serve
p. 743 her Majesty and do all the good offices you can to the People you have the Honour To Govern under her and by her particular favour of so long duration (which we pray may Still continue) And as we the Representative Body of the Province have no design of offering any thing of great moment to your Honour but what is absolutely and immediately necessary for the Welfare Peace and Tranquillity of the Province, So we cannot harbour the least Thought of your Honours not concurring with us therein assuring your Honour that our Design or Intention is not to propose or Expect your Honour to assent to any thing which we conceive will be contrary to the Instructions given you by her Majesty to whose most Princely Care & tender Affection We entirely recommend the Lives & Fortune of ourselves and those we represent

Signed p Order of the House of Delegates
October 30th 1712 p R Dallam Cl House Del.

The Council adjourned till to morrow morning at eight of the Clock.

Fryday October the 31st 1712

The Council Sate Present as yesterday

Mr John Phelps Naval Officer of Potowmack District came and made Oath to his several Accompts in that District

The Board adjourned till eight of the Clock to morrow morning

Saturday Novemr the 1st 1712

The Honble the Council Sate Present as yesterday

p. 744 Major Hammond & three others from the House of Delegates bring up Viz.

By the House of Delegates

October the 31st 1712

This House desires the Honble Presidt & Council to communicate to them the Reasons laid before her Majesty for her

Disallowance of the Act relating to Appeals and Writts of Errour U. H. J.

Signed p Order R Dallam Cl Ho Del.

Col Holland Col Addison Mr Hall and Col Tilghman carry down to the House Viz.

By the Council in Assembly
November 1st 1712

This Board observing that several temporary Laws of this Province will expire at the End of this Present Sessions Viz.

The Act for Encouragemt of Tillage & relief of poor Debtors

The Act imposing 3d p Gallon on Rum Wine Brandy and Spiritts 20sh p poll on Negroes & Irish Servants

The Act relating to the Height of Fences and Horse Rangers

The Act imposing 3d p Hhd for defraying the Countrys Charge And

The Act for regulating Attorny's Fees,

We cannot omit recommending the revival of them to your Consideration

Signed p Order W Bladen Cl Coun.

The Petition of Edward Dawson of P. Georges County read and recommended to her Majestys Justices of the Provincial Court to moderate the security ordered by that Court to be taken for the good Behaviour of his negro now in Custody of the Sheriff of Ann Arundel County p. 745

Col Hoskins and seven other Delegates bring from the House,

A Bill reviving an Act relieving the Inhabitants of this Province from some Grievances they lye under Made at a Sessions of Assembly begun & held at the Port of Annapolis December the 5th 1704

A Bill reviving an Act imposing 3d p Gall on Rum Wine Brandy & Spiritts & 20sh p poll for negros for raising a Supply to defray the publick Charge of this Province & to prevent the importing too great a number of Irish Papists into this Province made at a Session of Assembly begun & held att the Port of Annapolis Decr 5th 1704

A Bill for reviving a certain Act of Assembly of this Province Entituled an Act ascertaining Fees to the Attornys &

U. H. J. Practitioners of Law in the Courts of this Province and for levying of the same by way of Execution

And a Bill for confirming unto Francis Sherwood and his Heirs an Estate in Fee Simple of in & unto certain Lands devised him by his Father

Which said five Bills were Severally Endorsed Read the first & second Times by especial order & will pass

It falling under the Consideration of this Board that since the late order in Council relating to Baltimore County Court & the Election there the old Court House was burnt & whereas the County Court is to be held on Tuesday next & a Writ of
p. 746 Election is now issued to Elect four Delegates for the said County Advised & Ordered that the County Court for the s[d] County be held in the next adjacent convenient House in the same neck where the old Court House Stood until the Board or the Gen[l] Assembly shall direct where a New Court House for the s[d] County shall be Settled & that the Election of Delegates now to be made be at the Place where the old Court House was

The Board adjourned until eight of the Clock on Monday morning

Monday November the 3[d] 1712

The Council Sate Present

The Honble Edw[d] Lloyd Esq[r] President

Col W[m] Holland	Col Tho[s] Addison
Sam[l] Young Esq[r]	Col W[m] Whittington
Col Tho[s] Greenfield	Phill Lloyd Esq[r]
Col Charles Greenberry	Col Rich[d] Tilghman
John Hall Esq[r]	Cap[t] John Dorsey

Col Whittington & Col Tilghman carry to the House Viz.

By the Honble President & Council in Assembly
November 3[d] 1712

In answer to your Message by Major Hammond & three others of your House desiring us to communicate to you the Reasons laid before her Majesty for repealing the Act for Appeals and regulating Writts of Error, We herewith send you her Majesty's order in Council for repealing that Law by which you will observe the Reasons inducing thereto

Signed p Order W Bladen Cl Coun.

The following Message sent to the House by Cap[t] Dorsey

By the President & Council
November the 3d 1712 U. H. J. p. 747

Gentlem Two Acts of Parliament of great Brittain being directed by the Right Honble the Lords of Trade & Plantations in their Letter of the 26th of October 1711 to be duly published within this Province That Command has been obeyed by the Honble President's Proclamation thereof, And the said Acts are herewith transmitted to your House.

Signed p Order W Bladen Cl Coun.

Sent by Capt Dorsey

Major Hammond & three others bring from the House

By the House of Delegates
Novemr 3d 1712

This House humbly desire a Conference with some of the members of her Majesty's honourable Council relating to her Majesty's Order for repealing the Act for Appeals and regulating Writts of Error that some Care may be taken to prevent the ill Consequence that may happen by the want of such an Act

Signed p Order R Dallam Cl Ho Del.

And two Bills Viz

A Supplementary Bill to the Act relating to Constables & ascertaining who shall be taxables

And the Bill reviving the Act for Encouragement of Tillage & relief of poor Debtors

The said Bills read at the Board the first Time and Endorsed—Will pass with the Amendments thereto and sent to the House by Captt Dorsey

Col Whittington & Capt Dorsey carry down to the House Viz. p. 748

By the President & Council
Novr 3d 1712

This Board do agree to the Conference desired by your House relating to the Repeale of the Act for Appeals & regulating Writts of Error. And when you shall Signify the Persons Time and Place you think meet for that Conference we shall take care to send some of our members to confer with them

Signed p Order W Bladen Cl Coun.

Col Hoskins & Eight other Delegates bring up

U. H. J.

By the House of Delegates
Novem^{r} 3^{d} 1712

This House have appointed Mr Hoskins Mr Tyler Mr John Macall Mr Worthington Mr Wells Mr Ward Mr Leech and Mr Woolford members of this House to joyn with her Majesty's Council in the Conference desired and if the Honble Council please to meet at Mr Dodds to morrow at twelve of the Clock at noon

Signed p Order R Dallam Cl Ho Del.

Upon reading whereof ordered that the Honble John Hall Esq Col Thos Addison Phil Lloyd Esqr and Col Richard Tilghman meet the af^{d} members appointed by the House upon the af^{d} Conference at the Time and place appointed

The Baltimore County petitions read and recommended to the Consideration of the House of Delegates in order to quiet the People And sent to the House by Col Greenberry and Mr Tilghman

The Board adjourned to nine to morrow morning

Tuesday November the 4th 1712

The Council Sate Present as yesterday

p. 749 Mr Hall carrys down to the House Viz.

By the Honble President & Council in Assembly
November the 4th 1712

The Honble John Hall Esqr Col Thos Addison Phil Lloyd Esqr & Col Richard Tilghman are appointed by us to confer with the Conferees from your House on the Subject matter desired at the Time & place appointed and are now ready to Join with your members on that Conference

Signed p Order W Bladen Cl Coun.

Mr James Lloyd & six others bring from the House Viz.

By the House of Delegates
November the 4th 1712

This House have considered the Endorsement of the honourable Council on the Bill reviving the Act for relieving some Grievances and never expected your Honours would have returned the same with such an Endorsment Considering the little time we desire this Act to continue. If that Act at first was passed contrary to her Majesty's royal Instructions

It was no fault in this House They having obeyed those that U. H. J.
then took upon them the Governm[t] and we cannot but believe
your Honours have certifyed her Majesty the Reason why the
Acts passed under that Stile being induced thereto by her
Majesty's not disapproving as well those made Anno 1710 as
those made Anno 1709 And we also remember the Interest
made against this Bill more than any other at the Time of
passing it & the Confidence some Gentlemen then had of
having it returned disallowed of in a little Time all which we p. 750
see Vanished in its continuing the Time It was made for

Your Honours are not unsensible we Conceded to your
Requests to revive the Act for Officers Fees 'till after the
Arrival of a Cap[t] Gen[l] not being willing to enter into long
Debates about it

If this Bill curtailes the Jurisdiction of the Courts we think
that objection may be easily obviated considering the great
Oppression her Majesty's poor Subjects labour under by the
unreasonableness of their Attendance on the Provincial Courts
& the Great Fees that are there taken

We believe the Honble President hath now as full Instruc-
tions as any Cap[t] Gen[l] can expect to pass any Bill of absolute
necessity being invested with a negative Voice And if your
Honours will assert your own Authority and the dignity of
your Board to remove this and other great Grievances we
have to lay before you It will be no breach but a performance
of your Duty to her Majesty a real & not feigned Intent &
desire to serve the Country in which you have a great Interest
& more reputation than so nicely to insist on & deny any
thing that tends to ease the Inhabitants of this Province when
the same interferes with the Interest of some particular
Persons

But if your Honours think it more necessary & will consent
that a new Bill may be passed to remedy those Aggrievances
(tho under some other Title) we shall readily concur with you
therein If not we desire we may be certifyed thereof that we
may not stay here to no purpose & spend our own Time to p. 751
no purpose & the Country's money we being resolved to
proceed in no other matter until we know your Resolution
therein The business of this House being as well to Ease the
Inhabitants of their grievous and unmerciful oppressours as
to raise a Supply to defray the Charge of the Country

Signed p Order R Dallam Cl Ho Del.

The Gentlemen of this Board appointed on the Conference
Enter the Council Chamber & bring in their Reports Viz.

U. H. J. At A Conference held at the House of John Dodd relating to an Act of Assembly Entituled an Act for granting appeals & regulating Writts of Error the 4th of Novem[r] 1712

Present

The Honourable { John Hall Esq[r] / Col Tho[s] Addison / Phil Lloyd Esq[r] / Col Rich[d] Tilghman } of her Majesty's honourable Council

The Honble { Col Philip Hoskins / M[r] Robert Tyler / M[r] John Macall / M[r] Sam[l] Worthington / M[r] Matthew Tilghman Ward / M[r] John Wells / M[r] John Leake / M[r] Roger Woolford } of the honble House of Delegates

Who make choice of Edmond Benson for their Clerk

The said Conferees are humbly of opinion that it is abso-
p. 752 lutely necessary that a Bill be brought in for regulating Writts of Error & for granting Appeals from & to the Courts of common Law within this Province And that the said Bill be in all respects agreeable to the former Law for Appeals & regulating Writts of Errour; Excluding that Paragraph relating to Appeales from the High Court of Chancery to the Governour & Council

The said Conferees are likewise of opinion that a Clause be added to the said Bill to restrain all Appeals from the Decrees of the High Court of Chancery to the Queen & Council in England unless the same amount to three hundred pounds Sterl or Sixty thous[d] pounds of Tob°

Signed p Order Edmond Benson Cl Conf.

By the Council in Assembly
Novem[r] the 4th 1712

Whereas the Sea board side of Somersett County has lately been often alarmed by Privateers and some having attempted to Land there to the great Terrour of the Inhabitants, The Honble Col Whittington the Commander in Chief of that County was requested by this Board to procure a Great Gun to make an Alarm & to employ Persons to look out on the Sea side.

Wherefore that Service & the Charge thereof is recommended to your Consideration that such reasonable Satisfaction as you shall see fit on View of the Accounts herewith sent

you may be made to the respective Persons employed there- U. H. J.
abouts

Signed p Order W Bladen Cl Coun.

Sent by Col Whittington

The Petition of diverse Merchants & Traders against Ordinary Keepers entertaining Sailors Read & recommended to the consideration of the House of Delegates. p. 753

The Petition of William & Mary Parish read and ordered to lye on the Table nothing being as yet offered in relation to that Parish

Mr John Eggerton of St Mary's County his Petition read & rejected

The Petition of Benjamin Woodward & Mary his Wife read. And forasmuch as the Board are Sensible the Lord Prop:^rys^ Right of Soil is concerned therein & that he hath no Agent at present in the Country to be heard thereto according to former order

The said Petition is referred to the Consideration of the next Session of Assembly

The Petition of Mr Moses Adney Cryer of the Provincial Court read & referred until the Law for Officers Fees is revived

Several Baltimore County Petitions Viz Mr Dutton Lanes Mr John Dorsey's Mr John Stokes's & Mr James Richardsons for the Sherriff Office being read Ordered a Commission be prepared constituting Mr John Dorsey Sherriff of Baltimore County with Posse Comitatus & Supersedeas

The Message from the House by Mr James Lloyd and six others being taken into Consideration and the Board observing the unhandsome Expression therein both as to their Duty & Sincerity

Resolved that the following Answer be sent thereto

November the 4th 1712

In answer to your Message by Mr James Lloyd & six other of your members wherein you express your Surprize to find the Bill proposed for reviving the Act relieving the Inhabitants p. 754
from some Aggrievances returned with such Endorsem^t^ thereon from this Board, We must affirm that upon the most deliberate Consideration we are induced to believe the s^d^ Law is not Enacted by a Sufficient Authority & therefore It would be altogether in Vain to offer at the reviving thereof

Altho your good opinion of our Sincere Intentions for the

U. H. J. Service of the Country Shews more reflection than Judgement & notwithstanding that It meritts particular Resentm[t] yet we shall so far consider the Interest of the Province to shew you how Essential It is for its Welfare we should cultivate a good understanding with you

That at present we shall pass it by & not neglect anything that may be reasonably proposed for the Ease and Benefitt of her Majestys Subjects And therefore since you think this Law so absolutely necessary at this Time (if you desire it) shall not refuse a Conference with you concerning it

This Board not having any objection to the easing the good People but being desirous to supply some Deficiencys & obviate other Inconveniencys therein which we were unwilling to Enter upon this Session expecting the Arrival of a Governour in Chief in a Short Time Who we cannot but believe will be more fully instructed in her Majesty's good Pleasure toward her Subjects here than the Honble Presid[t] at present is of which you must allow us to be more Competent Judges than your House

Signed p Order W Bladen Cl Ho.

p. 755 Carryed down to the House by Col Holland and Col Greenberry Col Addison & Col Tilghman

The Board adjourned until one of the Clock to morrow being the 5th Novem[r] and Gunpowder Treason Day

Wednesday November the 5th 1712

The Council Sate Present as yesterday

Col Hoskins and Seven other Delegates bring up the Report from the Conference about the Law for Appeals and Writts of Error with the House's Concurrence thereto

Which being read and Considered the following Message was Sent to the House by Col Addison and Cap[t] Dorsey

By the Council in Assembly Novem[r] 5th 1712

This Board agree to the first part of the Conference relating to the Courts of common Law but desire that part relating to Appeals from the Court of Chancery may be omitted no Appeals lying from the Court of Chancery here to the Court of Chancery in Great Brittain nor any Appeals to her Majesty in Council but where the Thing in Controversy exceeds 300 l Sterl. Wherefore the s[d] Clause will not only be needless but of different nature too to the Title of the Law proposed

Signed p Order W Bladen Cl Coun.

Col Hoskins & Seven other Delegates bring from their U. H. J.
House viz:

By the House of Delegates
November the 5th 1712

In reply to your Message this Day by the Honble Col Holland and three others of your Board This House say they p. 756
know of no Reflections or Want of Judgem[t] in their Message & cannot recede from their opinion but that this Bill is of Absolute necessity and to cultivate the good opinion you desire between your Board & this House Request the Conference you are willing to agree to and have appointed the several members that went on the last Conference to confer with the members of your Board to morrow morning at 11 of the Clock at M[r] Dodds if your Honours think fitt

Signed p Order R Dallam Cl Ho Del.

M[r] Hill and M[r] Mariartee bring up

By the House of Delegates
Novem[r] 5th 1712

This House have resolved to Settle Baltimore County Court at the new Court House at Joppa & have ordered Col Maxwell to lay before them the Agreement made with the Justices for building that Court House & that in the mean Time the Justices of that County forbear to levy any Tobacco on that Account. To which they desire the Concurrence of the Honble Council

Signed p Order R Dallam Cl Ho Del.

By the Council in Assembly
November the 5th 1712

This Board do Concur with the above Resolve of the House of Delegates

Will[m] Bladen Cl Coun

Sent down to the House by Col Whittington

By the Honble Council in Assembly
November the 5th 1712

This Board have appointed the honourable Col Charles Greenberry John Hall Esq[r] Col Thomas Addison & Col Rich p. 757
ard Tilghman to confer with the Conferees from your House concerning the Law relieving the Inhabitants of this Province

U. H. J. from some Aggrievances they lye under and those Gentlemen are ready to join yours at the Time & place desired

Signed p Order W Bladen Cl Coun.

The Board adjourned 'till nine of the Clock to Morrow morning

Thursday November the 6th 1712

The Council Sate Present as yesterday

Col Hoskins and three more bring up a Bill confirming the last Will & Testam[t] of John Courts late of Charles County Esq[r] dec[d]

Read the first & second times in their House

Cap[t] Jones & M[r] Ennalls bring up

By the House of Delegates
Novemb[r] 6th 1712

This House having taken Care to fitt up several Offices in the Stadt House upon viewing the same find the room allotted for the Assembly Office to be inconvenient & Considering the largeness of the room alotted for the Council Office presume it may be Sufficient also for the Naval office. Therefore are of opinion the room alotted formerly for the Naval Office be now appointed for the Assembly Office and the Pigeon holes Desks &c put in the Assembly office may be removed into the Chancery Office which is still unfurnished and the Door of the Assembly Office be quite taken away which will give more Light into the passage to all the Upper Rooms in the Stadt House and desire the honble Presid[t] & Council will concurr with them in ordering the same

Signed p Order R Dallam Cl H Del.

p. 758 The Petition of the Militia Officers of Charles County read complaining of the Embezillment of Arms and Ammunition lately Entrusted with several persons of that County.

And likewise M[r] John Courts Deposition relating to Arms & Ammunition in his Father Col John Court's House which came to the Hands of Col John Contee & his Exec[r] & by her sold & Embezilled being read at the Board, Resolved that the same be laid before the House of Delegates with the following recommendation Viz.

By the President & Council in Assembly
November the 6th 1712

The Honble President & this Board observing how fre-

quently the publick Arms are destroyed & Embezelled as also U. H. J.
the Ammunition Sold or otherwise decayed so that it often happens not to be fit for Service and that thro the mismanagem[t] in the keeping & preserving the same and especially both the Arms & Ammunition are lyable to many unforeseen Casualtys upon the Death of the Commander in chief of any County where the same are Lodged as may appear by the Petition & Deposition herewith sent you we cannot but think it highly worthy the consideration of this General Assembly to appoint convenient twelve foot Houses near the County Court Houses in each respective County wherein to lodge the said Arms & Ammunition belonging to each County so that they may be the more easily viewed (as well by the Justices of the County Courts if they see fit as also the Commander in chief of each respective County) which will be the best p. 759
means we can propose not only for the security and Preservation of the said Arms and Ammunition but will also be a means to keep them well fixed & fit for the Countrys Service

Signed p Order W Bladen Cl Coun.

Carryed down to the House by Col Whittington & Cap[t] Dorsey with the Petition against Ordinary Keepers Entertaining Sailors

The Petition of Col Thomas Hammond M[r] Richard Colegate M[r] Edward Stephenson & M[r] W[m] Talbot of Baltimore County against Settling their Court House at Joppa read and referred to the Consideration of the House of Delegates

Carryed down by Cap[t] Dorsey

It being represented by the Officers of her Majesty's Customs in the District of Potowmack that several Vessels from Great Brittain & else where anchor & ride and sometimes lye on Ground on the Maryland Side of Potowmack but refuse to enter or clear in this Province

The said Representation being considered & debated resolved by this Board that all Ships & Vessels which lye at Anchor on the Maryland side of Potowmack river above Forty Eight Hours be obliged to Enter & Clear with the Officers of her Majesty's Customs in this Province and pay the Duty of Tonnage &c

The Council adjourned till nine of the Clock to morrow morning

Fryday Novem[r] 7th 1712

The Honble her Majesty's Council Sate Present as yes- p. 760
terday

U. H. J. The Gentlemen appointed to confer with the Members of the House about the Law for relieving Aggrievances the Inhabitants lye under go out upon the said Conference

Mr Lloyd Mr Garrett & Mr Mariartee and Mr Lockerman bring up three Bills Viz.

A Bill against Striking Several Sorts of Fish.

A Bill for reviving the Act for ascertaining the Height of Fences

A Bill for killing of Squirrels

By the House of Delegates

Read the first and second Times

And the following Message

By the House of Delegates
November the 7th 1712

Upon receipt of your message yesterday relating to the Arms and Ammunition and building Magazine Houses in each County this House took the same into Consideration and maturely debated the same And upon the Question put whether such Houses are necessary and Convenient to be built or not It passed in the negative. The House thereupon resolved that the Arms and Ammunition remain in the Hands of the Several Commanders of each County to whom the same hath been committed until the next Session of Assembly

This House have also ordered that Mr Philemon Hemsley who intermarryed with Col Contee's Widow shall the next Assembly lay before this House the Account of what Arms
p. 761 and Ammunition were lodged in Col Contee's Hands for the use of the Publick and how the same have since been disposed of

Signed p Order R Dallam Cl Ho Del

Major Storey and Capt Purnel bring up three Bills

A Bill making valid and effectual in Law a Deed of Bargain and Sale made by Col Ninian Beale of Prince George's County to Michael Ashford late of the same County

A Bill confirming the Probat of the Will of John Harrison late of Charles County deceased

A Bill confirming and making good & Valid in Law a certain Lease or Deed of Demise made between Robert Smith late of Talbott County Esqr and Matthew Mason of the said County Planter

Which said Bills were Endorsed read in the House of Dele- U. H. J.
gates the first & second times & by especial Order will pass

Major Storey and Major Hammond bring up a Bill for the naturalization of Peter Overard and Daniel Packett read twice by the Delegates which was read at the Board the first & second times and with the Bill for making valid in Law a Deed of Bargain and Sale by Col Ninian Beale to Mich[l] Ashford late of Prince Georges County

The Bill for confirming the probat of the Will of John Harrison late of Charles County

The Bill for killing of Squirrells

The Bill against Striking several Sorts of Fish And

The Bill for reviving the Act for Ascertaining the Height of Fences

Which being all read twice at this Board and so Endorsed were sent down to the House by M[r] Lloyd and Cap[t] Dorsey p. 762

The Bill confirming the last will and Testam[t] of John Courts late of Charles County Esq[r] deceased being read at the Board the first and second times & being so Endorsed will pass.

Sent down to the House by Col Greenberry & Col Addison

It being represented to the Consideration of this Board that of late there has been Several Disorders committed by drunken Indians even to the Endangering the Peace of this Province and whether it might not be fitt to make a Law to restrain her Majesty's Subjects from making any great numbers of them drunk by selling any Indians any Quantitys of Liquors in any one Day exceeding one Gallon of Rum Wine and Spiritts or five Gallons of Cyder under a severe Penalty or not

It was resolved in the Affirmative that such a Law was very necessary

Major Sprigg and three others bring up a Bill for regulating Writts of Error & granting appeals And an Ordinance for quieting and settling the Differences and Disputes among the Inhabit[ts] of Baltimore County

The Board adjourned until nine of the Clock to morrow morning

Saturday October [November] the 8th 1712

The Council Sate Present as yesterday

And the Bill for confirming a Lease of Land made by Robert Smith Esq[r] to Matthew Mason being considered with Richard Bennet Esq[r] his objections thereunto It is recom- p. 763
mended to the House of Delegates that the passing the Bill

U. H. J. be referred to the next Session at which Time Mr Bennett may be heard thereto

And Sent down to the House by Col Whittington

Mr Amos Garrett & twenty four more of the House of Delegates came and presented to the Honourable President the following Address Viz

To the honble Edward Lloyd Esqr President of her Majestys Council of Maryland and Commander in Chief thereof.

We the Deputys and Delegates of the s^d^ Province now in Assembly convened in most dutiful and humble manner crave leave to lay before your Honour the great Grief and Affliction that possesseth us, in finding the Conference between her Majesty's honble Council and the members of this House break up without making a final End and Conclusion of the matter to them referred in the Article for Limitting the Jurisdiction of the Provincial Court in Small Sums We cannot impute the reason thereof to any thing but a constant resolution in her Majestys honourable Council not to Concur in any thing that seemingly toucheth her most sacred Majesty's Royal Prerogative (which they are obliged to maintain) and which this House never design to retrench or infringe knowing your Honour ever since your taking upon you the Government
p. 764 here to be thereof very careful and tender. But the deplorable and sad Condition her Majesty's good Subjects of this poor Province will lye under should this present Session of Assembly end without revising the Act for relieving some Aggrievances makes us now address your Honour for relief therein.

We are very sensible her Majesty has restricted your Honour from passing any Bills of moment unless of absolute necessity for the Welfare Peace and tranquillity of this her Province in the absence of a Capt General and most humbly desire your Honour to extend as favourable a Construction thereto as possible you can assuring your Honour if any other expedient could be found to quiet the minds & Satisfy the Inhabitants of this Province this House would not insist thereon at this time And if your Honour please to grant that this or some other Bill of the like nature may pass this Session & to continue only to the End of the first Session of Assembly after the Arrival of a Capt General we hope the same will not be taken as any Infringem^t^ on her Majesty's royal Prerogative Protesting to your Honour that it is not only the sense of this House but of the Province in General That if this Act should now expire without making any other of the like nature It will be impossible for a great many of her Majesty's good Sub-

jects to continue their Abode here but must remove to some other place of less Benefitt to the Crown of Great Brittain and others whose Lives and Fortunes have been made desperate by their unhappy Losses and decay of Trade during the War will return to the same Way of living they used before the making the said Act by Skulking in the Woods and riding armed to resist the Officers of Justice and thereby greatly disturb the peace and Tranquillity of this Province U. H. J. p. 765

In tender compassion whereof we desire your Honour's most favourable and timely Answer which will not only prevent the af[d] evil Consequences but also a very great Burthen and Charge to the Province in General

Signed p Order of the House Del.
November the 8th 1712 p Rich[d] Dallam Cl Ho Del.

M[r] Robins and three other Delegates bring up a Bill making good and Valid a deed of Feoffm[t] of a Tract of Land made by Edward Hancox to S[r] Thomas Johnson

A Bill reinvesting Sewards Heirs in a certain Tract of Land

The first of which Bills being agreed to by the Board and the second rejected were sent down to the House with their Several Endorsments by the honble Sam[l] Young Esq[r]

The Bill for regulating Writts of Error & granting Appeals to and from the Courts of Common Law within this Province being read at the Board with a Proviso annexed thereto

Resolved that the said Bill pass without the s[d] annexed Proviso and being so Endorsed was sent down to the House by Col Addison

The Ordinance proposed by the House of Delegates for quieting and Settling the differences and Disputes amongst the Inhabitants of Baltimore County being read at the Board was by them assented to and Sent down to the House by John Hall Esq[r] p. 766

The Address from the House of Delegates to the Honble President being read and debated at the Board and the members of her Majesty's honble Council being severally asked their opinions Whether in Case the Law prayed by the Delegates should not now be revised It would be attended with the unhappy Consequences mentioned in the said Address, Do severally say that the Circumstances of the Country are so miserably wretched and very much augmented by severe prosecutions in the provincial Court which have so inflamed the People that they are apprehensive the refusal thereof may endanger the peace and Tranquillity of the Province and incite several of her Majestys Subjects to extravagant and desperate Courses.

U. H. J. To which the Honble President was pleased to say He should rather have been glad any other expedient could have been found out but since they have given their Advice Will agree to pass the Bill for the small time proposed

Whereupon resolved the following Answer be sent thereto Viz.

By the Honourable President and Council
8th November 1712

The Honourable President having communicated to us your Address to him for revising the law for relieving the Inhabitants of this Province from some Aggrievances they lye under
p. 767 And our Sentiments agreeing with yours That in Case such a Law is not now passed many good Planters will desert their Abodes and others to avoid Imprisonment will be induced to resist Justice and Skulke in the Woods Whereby the happy Peace and Tranquillity of this Province may be endangered: We have been inclined to advise his Honour to consent to the revising the said Law for the Time proposed purely to avoid the mischiefs āf[d] To which he is pleased to give Way

Signed ꝑ Order W Bladen Cl Coun.

Carryed down to the House by Col Greenberry M[r] Hall Col Addison Col Tilghman & Capt Dorsey

The Council adjourned till nine of the Clock on Monday morning

Monday November the 10th 1712

The Honble her Majesty's Council Sate Present as on Saturday.

M[r] Tyler and five more bring up the following Message

By the House of Delegates
10th Novem[r] 1712

It being moved in this House that it will be for the good of the Province that the Lord Propry be moved to accept of the Rents in Tob[o] at 2[d] ꝑ pound and the 12[d] ꝑ Hhd to be given to him as it now is for the Life of his Successour

This House desire to know your Honours Sentiments therein

Signed ꝑ Order R Dallam Cl Ho Del.

M[r] James Lloyd and three other members bring up five engrossed Bills Viz.

p. 768 A Bill for confirming unto Francis Sherwood and his Heirs an Estate in Fee Simple of in and unto certain Lands devised him by his Father

A Bill confirming the Probat of the Will of John Harrison of Charles County deceased U. H. J.

A Supplementary Bill to the Act for appointment of Constables and what relates to their Office and ascertaining what Persons are taxables

A Bill reviving an Act of Assembly of this Province Entituled an Act imposing 3^{d} ꝑ Gallon on Rum Wine Brandy and Spiritts and 20^{s} ꝑ poll on negros for raising a Supply to defray the publick Charge of this Province and 20^{sh} ꝑ poll on Irish Servants to prevent the importing too great a number of Irish Papists into this Province

A Bill reviving an Act of Assembly of this Province entituled an Act for Encouragement of Tillage and relief of poor Debtors

A Bill reviving an Act of Assembly of this Province Entituled an Act laying an Imposition of 3^{d} ꝑ Hhd on Tob^{o} for defraying the publick charge of this Province

All which said Bills were read & assented to by her Majesty's honble Councill and carryed down to the House by Saml Young Esqr & Capt Dorsey

A Bill preventing the Inhabitants to sell any Quantity of Liquors to the Indians and to restrain false rumours and reports relating to them being read at the Board was agreed to & sent to the House of Delegates with the following Message By Col Whittington and John Hall Esqr Viz. p. 769

By the President and Council in Assembly
November the 10th 1712

The honble President and this Board being throughly Sensible that many great disorders are committed by Indians when in drink & of the too frequent ill practices of Persons selling them great Quantitys of Liquors and also that some evil People have not been wanting to raise utter and Spread sundry false reports tending to Create misunderstandings and Jealousies between us and them We have therefore thought fitt to recommend the Bill herewith sent you for prevention thereof

Further we have thought it expedient to send some worthy discreet Persons to the Several nations of Indians to Caution them to advise their Indians of the Penaltys our Laws inflict upon Several breaches they have made thereof and may hereafter be guilty of and that we expect the offenders should be delivered up to Justice upon any just Complaints against them for any Felonys Larcenys Menaces Batterys or the like mis-

U. H. J. deameanours by them committed which we hope will be a means to keep them in order

Signed p Order Wm Bladen Cl Coun.

Mr Whittington and Mr Solomon Wright bring up a Bill for investing Margaret Hollingsworth and Katherine Wells in an Estate devised them by Zorobabel Wells Read in their House the first and second Times and Endorsed will pass

The said Bill being read at the Board was likewise En-
p. 770 dorsed—Read at the Board the first and Second times and will pass and then sent down to the House by Col Greenfield

Mr James Lloyd and three other Delegates brought up from their House four Engrossed Bills Viz.

A Bill against Striking Several Sorts of Fish within the Precincts of this Province

A Bill for the naturalization of Peter Overard of the City of Annapolis Sadler Daniel Packett Joseph Christmand and Ambrose Nelson

A Bill for killing of Squirrels

A Bill for reviving an Act Entituled an Act ascertaining the Height of Fences to prevent the Evil occasioned by the multitude of Horses and restraining Horse Rangers within this Province

Which being read were assented to by her Majestys honble Council and carryed down to the House by Col Addison and Col Tilghman

The message from the House relating to the Assembly and Naval Office being considered resolved the following Answer be sent thereto

By the Council in Assembly
November the 10th 1712

In answer to your Message by Capt Jones & Mr Ennalls of the 6th Instant relating to the Naval Office and Papers therein desired to be lodged in the Council Office We cannot be assured that the same Person (tho now it is so) will always hold both Offices so that it may be unfitt the Naval Officer should have recourse to the Council Office But are rather induced that the Office appointed for the Town Court be alotted to the Clerk of your House and that the Assembly
p. 771 Office should be to the Town Clerk of the City of Annapolis in lieu thereof and desire you will send a member or two from your House with the Gentlemen from our Board to View the said Offices

Signed p order W Bladen Cl Coun.

Cap[t] Docwra and M[r] Charles Wright bring up from the U. H. J.
House of Delegates—

A Bill prohibitting the Exportation of Hides and old Iron

Read in their House the first and Second times & Endorsed will pass

The said Bills being read at the Board the first Time were returned to the House with some Amendments thereto by Col Tilghman

The Board adjourned till nine of the Clock to Morrow Morning

Tuesday November the 11th 1712

The Council Sate Present as yesterday

M[r] James Lloyd and five other Delegates bring up the Bill for restraining the Inhabitants of this Province from Selling any Quantity of Liquors to the Indians &c and the following message Viz.

By the House of Delegates
November the 11th 1712

We have considered and debated the message and Bill Sent from your Honble Board yesterday by Col Whittington and John Hall Esq[r] relating to the Indians but not being Satisfyed with the Reasons inducing your Honours to recommend that Bill as it is drawn & taking the same to be of great Concernment and being willing to Shew due respect to what p. 772
comes from your honble Board have thought it reasonable to agree to the first Paragraph thereof with these Amendm[ts]

Viz. That the fine be recovered in any County Court in this Province

That it be to the use of the County

But as to the last paragraph thereof relating to false news and rumours &c We think it may be rejected for that it will be of ill Consequence and we are willing a Clause should be added to prohibit any Inhabitants from trusting any Indians for any Liquors or taking any pawn from them for any debt and from buying their Guns Match Coats &c on pain of returning them and losing their Debts upon which Amendm[ts] we are willing to agree to the Bill. We concur with you that it is necessary the Indians be acquainted with the Penaltys our Laws inflict on the Breakers of them in such manner as you prescribe

Signed p Order R Dallam Cl Ho Del.

Which being considered this Board resolved the following answer be sent thereto

U H. J. By the Council in Assembly
November the 11th 1712

On Consideration of your Message this day by Mr James Lloyd and five others relating to the Bill by us proposed for restraining the Inhabitants of this Province from Selling any Quantitys of Strong liquors to the Indians and to prevent the
p. 773 spreading false news & rumours and fomenting Jealousies between them and her Majesty's Subjects of this Province We concur with your House and have agreed to the amendments of the first part thereof

And as to the second part of the said Bill We had reason to believe the Gentlemen members of your House representing Dorchester & Somersett Countys had not been wanting to inform you what had lately happened in their Countys relating to the Nanticoke Indians and what wicked and pernicious (tho groundless) Storys were raised upon that occasion by ill designed Persons to create a misunderstanding between us and the Indians

Wherefore seeing the false rumours and reports designed to be punished are solely circumscribed to those tending to create Differences between the Indians and us we cannot apprehend any evil Consequences but good Effects therefrom

If you think the penalty too great for the Offence you may apportion it suitable to the offence As to the Clause you propose to inhibit her Majesty's Subjects from trusting the Indians or taking any pawn from them We readily agree to it

Signed William Bladen Cl Coun.

The afd Message sent to the House with the Bill therein mentioned by Col Whittington Col Greenberry and Capt Dorsey

Mr Garret and nine other Delegates bring up a Bill for relieving the Inhabitants of this Province from some Aggrievances &c

p. 774 A Bill restraining the ill practices of Sherriffs in executing Writts of Fieri facias &c

A Bill for Settling Baltimore County Court House at Joppa

A Supplementary Bill to the Act for Stay of Executions

A Bill restraining Ordinary Keepers

A Bill prohibiting the Exportation of Hides and old Iron

All which said Bills being read in the House of Delegates the first and second times were read at this Board and Endorsed will pass with the Amendments and sent to the House by Mr Young Mr Hall and Col Addison

Advised it be recommended to the House of Delegates to U. H. J.
make a Law to oblige all owners of Stone Horses to keep them within good Inclosures And in Case such Stone Horses shall break out of their Inclosures It shall be lawfull for any person on his her or their own Lands and Plantations to take up such Stone Horse or Horses and impound them until the owner thereof pay and Satisfy unto such Person impounding such Horse or Horses 3^{sh} Current mony for the releasment thereof

That it shall be lawful to shoot any Stoned Colts running in the Woods being above Sixteen months old

That it shall not be lawful for any person not having Land of his own or renting a plantation to keep any breed^{g} Mares in the Woods upon the penalty of 600 ^{l} tob^{o} for every Breed^{g} Mare by such person owned & kept

That an Act be made therefore to take place the last of May next

And thereupon the following Message was sent to the P. 775
House

By the Council in Assembly
November the 11th 1712

This Board being truly Sensible of the great Evil accruing to this Province by the Multiplicity of useless Horses Mares and Colts running in the Woods recommend to you that a Short Law pursuant to the above proposals be made this Session to obviate that mischief

Signed p Order W Bladen Cl Coun

And Sent to the House by Col Holland & Col Addison

Mr Leech and Mr Hill bring up the Journal of the Committee of Accompts Which being perused at this Board and Several Errors found therein Resolved the same be remarked to the House

The Board adjourned till Eight of the Clock to morrow morning

Wednesday November the 12th 1712

The Council Sate Present as yesterday

Mr Samuel Worthington and six other members brought up the Bill restraining the Inhabitants from Selling any Quantitys of liquors to the Indians and the following message

By the House of Delegates
November 12th 1712

Upon reading the Bill and Message last sent from your

U. H. J. Honours relating to the Indians This House debated the same and came to the following resolution

The Question being put whether the Bill pass as amended by your Honours It passed in the Negative and resolved that
p. 776 the second paragraph be amended by making the same to oblige any person that shall know of any Difference between the English and Indians or among the Indians between themselves to disclose the same to some Justice of the peace or Commander in chief of the Militia in the County where the Indians are and to no other Person on Penalty of forfeiting 500 ℔ tob. which we conceive will fully prevent any false news or Rumours and not run her Majestys Subjects into so many ill Conveniencys as the paragraph as It is now drawn will If your Honours agree to this Amendment the Bill will pass

Signed p order R Dallam Cl Ho Del.

Mr Tyler and three more bring up two engrossed Bills viz

A Bill for regulating Writts of Error and granting Appeals from and to the Courts of Common Law in this Province

A Bill for making Valid a Deed of Bargain and Sale from Col Ninian Beal of Prince Georges County to Michael Ashford late of the same County assented to by the House of Delegates

Which being read at this Board were assented to by her Majesty's honourable Council and returned to the House by Col Addison

Capt Cleggatt and Mr Lockerman brought up a Bill to redress the great Evil accruing to this Province by multiplicity of Horses Read the first and second Times in the House of Delegates and Endorsed will pass

Which being read at this Board was Endorsed will pass and sent to the House by the Honourable Philemon Lloyd Esqr

p. 777 Mr Hill and five other Delegates bring up the Bill vesting Lands in Sewards Heirs with the following Message Viz.

By the House of Delegates
November the 12th 1712

We cannot concur with your Honours that the last Endorsment on this Bill by this House is any wise unparliamentary but are of a contrary opinion and well assured that this Session is the time to which the Bill was last referred for every Session of Parliament is in Law a new Parliament

We are not unsensible of the Difference between an Adjournment and Prorogation. And the last was neither but a dissolution and so this a new Assembly And if all matters

referred from the last to this should be discontinued It would U. H. J.
be very inconvenient for then every thing not finished must
begin anew And then to what purpose is any reference when
It is in the power of every Governour to dissolve the Assem-
bly and have a new one every Session. Or to what Intent
does the House of Commons at the Election of every new
Speaker read some of the Bills that did not pass the Royal
Assent the last Session as it were to give him Seizing of the
House If according to your way of reasoning they were dis-
continued and must begin anew. Neither can we conceive
that your agreeing to this Bill now and passing it into a Law
will be any ways irregular. And since the Lord Proprietary
has been heard by his Agent & Col Smithson by his Council
learned in the Law and we fully satisfyed of the Petitioners
Claim we pray your Honour to agree to this Bill that it may
be Enacted this Session

Signed p Order R Dallam Cl Ho Del. p. 778

The aforegoing message being read and debated Resolved the following answer be sent thereto

By the Council in Assembly
Novem[r] 12th 1712

Upon reading your Message by M[r] Hill and five other members with the Bill for vesting Sewards Heirs in a certain Tract of Land in Dorchester County called Sector We must assert our Opinion thereon that your Endorsment is not Parliamentary but mistaken. And what is hinted by you of reading a Bill not passed the last Parliament or a new Bill on Installing the Speaker is no rule for sending up a Bill to the Upper House with Sundry Endorsments made by the last Parliament, but it must begin anew (vide Lord Cooks Jur Courts Title Parliam[t] folio 27 & 28.) And now as to the Substance of the Bill We have fully debated it at this Board and will not take upon us to pass any Act to dispose of the Lord Proprietarys Lands or direct his Grants thereof And therefore refer Sewards Heirs to take their Course at Law to oblige the Lord Proprietary to do them Justice in case It has been refused them

Signed p Order W Bladen Cl Coun.

Sent by Col Greenberry and Col Addison Who return and say they delivered the same

M[r] Tyler and nine other members bring up the Bill for relieving the Inhabitants of this Province from some Aggriev-

U. H. J. ances in the prosecution of Suits at Law read in their House and agreed to with the Amendments made by this Board and
p. 779 the House of Delegates

Which was again read at the Board and Endorsed will pass

Also the Bill restraining Sherriffs Practices on fier fac prayed by the Delegates to be passed this Session. But this Board not having Sufficient Time to debate it this Session Endorsed their Desire thereon that the Delegates would not further urge it at this time

Both the said Bills and the Bill relating to Indians were Sent to the House of Delegates by M[r] Hall Col Addison Col Tilghman & Cap[t] Dorsey

This Board observing several mistakes in the Journal of the Committee of Accompts Resolved that Col Greenberry and Col Tilghman carry the following message to the Delegates

By the Council in Assembly
Novem[r] 12th 1712

On perusal of the Journal of the Committee of Accompts we find Several mistakes therein which will be remarked to you by the messengers herewith Sent. We cannot see what reason you have to reject the allowance usually made the members of this Board for their Attendance and Assistance in the High Court of Chancery And recommend it to your consideration that the wonted Allowance be made them

The honourable President advanced ten Dollars to M[r] Brook the Messenger Sent from Virginia by Governour Spotswoods Express with the publick packetts and her Majesty's Proclama-
p. 780 tion for the cessation of Arms agreed with France which mony we desire may be repayed his Honour out of the Treasury

Signed p Order W Bladen Cl Coun.

Major Storey and three other Delegates bring up two Engrossed Bills Viz.

A Bill investing Margarett the Wife of Thomas Hollingsworth and Catherine Wells Daughter of Zorobabel Wells with as ample an Estate of Joint Tenancy in Fee Simple of and into certain Lands devised them by their Father as if the same had been expresly so devised them by his Will

An Engrossed Bill to confirm the last Will & Testament of John Courts late of Charles County Esq[r] deceased. Which being read was assented to by this Board and sent to the House by Cap[t] Dorsey

Major Woolford and three others bring up a Bill permitting the Inhabitants of this Province to sue out Writts and confess

Judgements in their proper persons. And a Supplementary Bill to the Act for punishing the Offences of Adultery & Fornication U. H. J.

The first of which Bills being read and this Board being apprehensive It will introduce very ill practices reject the same. But the other being agreed to by the Board was so Endorsed and sent to the House of Delegates by the Honble Col Charles Greenberry and John Hall Esq[r]

M[r] Tyler and nineteen more of the House of Delegates bring up the Bill proposed to restrain the ill practices of Sherriffs in executing Writts of fieri facias and Attachm[ts] with the following Endorsm[t] from their House Viz.

By the House of Delegates
November the 12th 1712 p. 781

We are so sensible of the Abuses committed in the Destruction of men's Estates which this Bill designs to remedy That we cannot in Conscience and Duty to ourselves and those we represent consent to the referring it till another Session. And for an Instance among many others of this great abuse About the Time of our coming here an Estate of Arthur Young's appraised to the Exec[rs] at near seven hundred pounds Sterl A great part thereof to the Value of above four hundred pounds has been executed and Sold for not above Sixty pounds & fees And not long since two negros of John Hutchins appraised at Sixty pds Sold for £30 Which is so intollerable a Burthen that we cannot forbear mentioning to your Honours in hope to incline you to consider this Bill at this time and prevent such Evils by assenting to this Bill

Signed p Order R Dallam Cl H Del.

M[r] Wells and three other members brought up the following Message

By the House of Delegates
November the 12th 1712

We have ordered the Journal of the Committee of Accompts to be rectifyed and the Honble President's ten Dollars to be allowed him. But as to allowing such of your Honours Accompts as attend in the Court of Chancery We cannot allow them It being contrary to the Act of Assembly. And we are of opinion that the profitts of the Office of Keeper of the Seal p. 782 is Sufficient to defray the Charge and Expences of the Judges there without burthening the publick

Signed p Order R Dallam Cl Ho Del.

M[r] Hill and M[r] Robins brought up

U. H. J. An Engrossed Bill for making good and valid in Law a certain Deed of Bargain and Sale made by Edward Hancox deceased to Thomas Johnson of Liverpoole Esq and

An Engrossed Bill for the naturalization of Samuel Guychard Assented to by the House of Delegates.

Which Bills being read at this Board were assented to by her Majesty's honble Council and sent to the House by Mr Hall

Mr Mariartee and Mr Claggett bring up two Endorsed Bills Viz.

A Bill for Settling Baltimore County Court House at Joppa

And a Bill for restraining Victuallers and Keepers of publick Houses from entertaining Sailors to the Prejudice of Trade and Commerce assented to by their House

Which Bills being again read were assented to by this Board and sent to the House of Delegates by Mr Hall

Mr Leech brought up the Journal of the Committee of Accompts which was assented to by this Board and returned to the House of Delegates by Col Greenberry and Mr Hall

The representation of the Clergy residing on the Western
p. 783 Shoar of this Province relating to several Parishes and the publick Library being read and considered, In as much as It is observed the Clergy of the Eastern Shoar have not joined therein It is referred to the next Session of Assembly

The Board adjourned until nine of the Clock to morrow morning

Thursday November the 13th 1712

The Council Sate Present as yesterday

Mr Worthington and five other Delegates bring from their House three Engrossed Bills Viz.

A Supplementary Bill to the Act for Stay of Execution after the tenth day of May yearly

A Bill prohibiting the exportation of hides of neat Cattle whither tanned or untanned and old Iron out of this Province

A Bill reviving a certain Act of Assembly of this Province for ascertaining Fees to the Attornys and Practitioners of the Law in the Courts of this Province and for levying the same by way of Execution. Assented to by the House of Delegates

And the said Bills being again read at this Board were assented to by her Majesty's honble Council and Sent to the House of Delegates by Col Addison and Col Tilghman

The said Mr Worthington and the other five members brought up the Bill restraining the Inhabitants of this Province

from selling any Quantitys of strong liquors to the Indians and to prevent spreading of false rumours mutiny and Differences betwixt them and her Majestys Subjects of this Province read in their House the fourth time Which being again read at this Board was Endorsed Will pass and sent to the House of Delegates by Col Addison and Col Tilghman U. H. J. p. 784

Mr Leech and five other Delegates brought up the following message Viz.

By the House of Delegates
November 13th 1712

This House have appointed Mr John Leech Mr Joseph Hill Mr Edward Scott Mr Thomas Trueman Greenfield Mr Woolford and Mr Amos Garrett to join with some of the members of her Majestys honble Council in proportioning the publick Levy

Signed p Order R Dallam Cl Ho Del.

Mr Tyler and seven more Delegates bring from their House Viz

By the House of Delegates
November the 13th 1712

This House are surprised your Honours should reject the Bill permitting the Inhabitants of this Province to take out Writts and confess Iudgements in their proper Persons. We are of opinion It will prevent great oppressions And we conceive we can give your Honours Satisfactory Reasons for our insisting on that Bill And therefore pray your Honours will confer with us concerning the same

Signed p Order R Dallam Cl Ho Del

Which being read and debated resolved by this Board that they will not recede from their resolution to reject the said Bill and therefore the following Message was sent to the Delegates by the honble Saml Young Esqr Col Addison Col Tilghman and Capt Dorsey p. 785

By the Council in Assembly
November 13th 1712

In answer to your Message this Day by Mr Tyler and Seven others of your House we have debated the same and resolved that we will not recede from our former Resolution already signifyed to you to reject the Bill you have desired a Conference upon

Signed p Order W Bladen Cl. Coun.

U. H. J. The Bill restraining the ill practices of Sherriffs on executing fieri facias &c with the House of Delegates last Endorsement thereon brought up by Mr Tyler and nineteen other Delegates being considered and debated and several Authoritys and precedents of the Sheriffs office being looked into,

Resolved that the following answer be endorsed on the Bill and Sent to the House of Delegates by the honble Saml Young Esqr Col Addison Col Tilghman & Capt Dorsey

By the Council in Assembly
Novemr 13th 1712

Gentlemen We are heartily Sorry to hear of such extraordinary oppressions and ill Practices by you represented to have been committed in Calvert County And thereupon have looked into the office of Sherriffs and particularly in relation to Executions made on fieri facias and Goods sold by virtue of Writts of Venditioni exponas And find that upon such Executions the Sherriff if he does not enquire of the Value of Goods and Chattells by him taken by a Jury yet he ought to do it by Oath of good men & take Care the Goods are not undervalued

p. 786 For it is instanced by Dalton's Sherriff's Office fol 526

The under Sherriff took Goods upon a fieri fac. And did not Sell them to half the Worth of them and upon motion It appeared to the Court that he had perswaded the Jury to undervalue the Goods and according to his perswasions the Jury appraised them and then the Sherriff sold them for the same mony to which they were appraised. The Court held that this was a grand oppression and thereupon ordered an Indictment against the under Sherriff.

Again in the same Authority fol 246 the Sherriff makes return of a Venditioni Exponas in these Words.

As yet the Goods and Chattels which I lately took into the Hands of our Lord the King of the Goods and Chattles of the Farm Possession & Tenement of the mannor of W. to the Value of X remain unsold for want of Buyers but from day to day I have exposed them to sale and as soon as I can will answer unto you for the expence thereupon arising

Which shews the Sherriff ought not to sell the Goods & Chattels levyed under the Value appraised or that he is confined to sell them before the return of the Writt to any Bidder under the full Value of the Appraismt nor ought he to levy more Goods and Chattels than what by the Appraismt of indifferent men or a Jury as āfd are Sufficient to answer the debt and Cost in the Execution commanded to be levyed

Wherefore we cannot but think the Sherriff that has mis- U. H. J.
taken such rules in his Office and thereby occasioned the
oppression you represent is lyable to the Actions of the Partys p. 787
oppressed For it is plain by the āf[d] Authority fol 147 the
Sherriff must either appraise the Goods before he Sells them
or enquire of their Value by a Jury Which we think is Suffi-
cient to remedy the ill practice complained of without com-
pelling the Creditor against his will to take the Goods and
Chattels levyed by the Sherriff at any ignorant or unreasonable
Appraism[t] Which the Wisdom of the Kingdom of England
never thought meet not but that the practise is he may accept
of them if he thinks fitt and such Acceptance will discharge
the Sheriff. Wherefore We cannot see any necessity for the
Bill proposed and therefore reject it

Signed p Order W[m] Bladen Cl Coun.

Ordered Col Greenberry carry to the House of Delegates
Viz

By the Council in Assembly
November the 13th 1712

We have appointed the Honble Col Charles Greenberry and
Col W[m] Whittington to join with the members of your House
in apportioning the publick Levy

Signed p Order W Bladen Cl. Coun.

Col Ward and three other members brought up the Bill
relieving the Inhabitants from some Aggrievances in the prose-
cution of Suits at Law with a Small explanation thereto which
was agreed to by the Board and returned to the House of
Delegates by Col Greenberry

M[r] Pierce and Cap[t] Docwra bring up the Bill to redress the
great Evil accruing to this Province by the multitude of useless
Horses Mares & Colts that run in the woods Assented to by p. 788
the House of Delegates which was read and assented to by
this Board, And with the Message drawn up the 16th Instant
about the Council Office Naval Office and Clerk of the Assem-
bly's Office now again read sent to the House of Delegates
by the Honble Sam[l] Young Esq[r] and Cap[t] Dorsey

The Board adjourned until nine of the Clock to morrow
morning.

Fryday November the 14th 1712

The Honble her Majestys Council Sate Present as yes-
terday

U. H. J. Mr John Macall and seven other Delegates bring up a Supplementary Bill to the Act for probat of Wills Endorsed Read the first and second times in the House of Delegates and by Special Order will pass. Also the following Message from their House

By the House of Delegates
November the 14th 1712

We take it Strange that your Honours should believe the Act restraining the ill practices of Sherriffs in executing Writts fieri facias were only designed to remedy the same in Calvert County and no other place in this Province.

We can give you many Instances of like nature in other Countys and must say the Sherriff of Calvert County is not so great a Stranger to Mr. Dalton's Office of Sherriff to act contrary thereto And that the Goods We Instanced to be Sold were Valued by a Jury at a greater Value than Sold for
p. 789 neither would the Sherriff Sell them until commanded by a venditioni exponas and was forced by the Creditors to sell them at less than Half what the Jury valued them at.

Besides that Bill would remedy many other Evills. As if Cattle are taken in Execution by A. B. Sheriff by Virtue of a fieri fac The Sherriff returns they remain in his Hands for Want of Buyers and then dyes. A venditioni exponas issues commanding his Successour to sell them The last Sherriff cannot execute that Writt for the Goods were never in his Custody And before a new fieri facias can be taken out The Cattle are all lost or dead for after they are executed they are out of the Defendants Custody And the Execr or Admr of the first Sherriff cannot detain them nor are they answerable so this is a loss to the Creditor as well as the Debtor

Again to what purpose Is it for the Sherriffe to keep the Goods in his Hands for many years, when no Buyers offer This must needs be a great loss to the Creditor and Debtor especially in Goods perishable or chargeable; Or if negros, the profitts of their Labour must be the Sherriffs

And altho the Wisdom of the Kingdom of England never thought meet to make such an Act having no reason there being many marketts and many Buyers Yet we know several Acts of the like nature to this in the English Plantations. And why this Province should be denyed the Liberty that others are allowed We know not unless it be to satisfy the
p. 790 Covetous desires of a few merciless Creditors and mercenary Officers and to bring the Commonality into Poverty and Slavery Out of which we have and hope always shall En-

deavour to keep them Altho at present It is not in our power U. H. J.
hardly obtaining anything that tends thereto

Signed p Order R Dallam Cl Ho Del.

The Houses Message of the tenth Instant being taken into Consideration Ordered that Col Greenfield and Col Addison carry to the Delegates Viz

By the Council in Assembly
November the 14th 1712

In answer to your message desiring to know our Sentiments whether It might be for the good of the Province to move his Lordship the Lord Propry to accept of his Rents in Tobo at two pence p pound upon the same Condition for his Successours as it now Stands with his Lordship We shall not take upon us to prescribe rules to your House but as you more immediately represent the people If you think it adviseable to write to his Lordship to know his Inclinations upon what Terms he will be pleased to Settle the Rents for himself his Heirs and Successours you may use your Discretion

Signed p Order W Bladen Cl Coun.

The message by Mr Macall and seven others of the House of Delegates being read & debated The following answer was sent thereto

By the Council in Assembly
November 14th 1712

We have considered the Bill you sent up this day by Mr p. 791
John Macall and seven others of your House and the message accompanying the same and since we shall as eminently justify that we have the true Interest of our Country as nigh at heart as any of your House if We happen to differ in Judgement about the Time and manner of promoting some things you think will conduce to it We know not why after we have Endeavoured to redress the greatest Aggrievances you represented at the Beginning of the Session you should reflect upon us not only as partial & unjust in denying you the Liberty Others her Majesty's Subjects in her Plantations enjoy but asperse us with gratifying the desires of merciless Creditors and mercenary Officers in order to Enslave and impoverish the Commonality

Gentlemen, Unless you lay aside these Heats you will interrupt the good Correspondence you ought to cultivate with this Board and render all our Endeavours for the good of the Country ineffectual or were you gratifyed in what you desire

U. H. J. It would be a matter of such moment that It would discourage and ruin all Trade and Commerce with us and thereby render us far more miserable than our worst Circumstances now are and give occasions to Creditors loudly to complain of our Injustice and partiality to the great Scandal of our Country which will not be easily wiped off

We cannot apprehend why you should send us such a Message unless you were conscious to your Selves we have just Reason to reject the Bill you propose

p. 792 Signed p Order W Bladen Cl. Coun.

Major Sprigg and three more bring up three Engrossed Bills Viz

A Bill relieving the Inhabitants from some Aggrievances in the prosecution of Suits at Law

A Bill restraining the Inhabitants of this Province from selling any Quantitys of Strong Liquors to the Indians and to prevent spreading false Rumours Mutiny & Differences between them and her Majesty's Subjects of this Province

A Supplementary Act to the Act of Assembly of this Province for punishing the offences of Adultery & Fornication

All which Bills were read and assented to by the House of Delegates. And being again read at this Board were assented to and then returned to the house by Col Addison and Cap[t] Dorsey

Ordered the Clerk of this Board be allowed on private Bills &c the same Fees as are allowed by the Delegates to their Clerk

The proposed Supplementary Bill to the Act for probat of Wills being read at this Board & Debated Resolved that in Case such Bill should pass It will be a means to prejudice Orphans by undervaluing dead men's Estates which are always to be appraised in the presence of two of the Creditors Who will never be induced to approve of and sign any Inventory unless at very low Appraisments since they know they must be
p. 793 obliged to take the meanest part of the Estate in Satisfaction of their debts for which reason and many others we reject the Bill

The said Bill being so endorsed was sent to the House by Col Holland Samuel Young Esq[r] Col Addison Col Tilghman and Capt Dorsey

Major Hammond and three other Delegates bring from the House Viz.

By the House of Delegates
November the 14th 1712

We have read and Considered your message last sent us

by Col Holland and four other members of your Board and U. H. J.
know not how you can interpret our message this morning to
reflect on your Honours when we never designed it

We cannot help your differing in Judgement from us but since you must own we more immediately represent the People than your honble Board you must allow us to know more of their oppressions and we offer the properest remedys we can to relieve them

We have no design to interrupt a good Correspondence with you and were not conscious to our Selves we had any just or colourable reasons you would reject any of the Bills We have proposed this Session. And tho you say you endeavoured to redress the greatest Aggrievance we represented at the beginning of this Session We must affirm & can justify It was hardly obtained and had not this Assembly been called there would have been no occasion for desiring it

We shall not further press your Honours in these matters p. 794
but hope ere long a Capt General will arrive fully instructed impowered & inclined to relieve us out of the Aggrievances and Oppressions We must till then passively endure

Signed p Order R Dallam Cl Ho Del.

The Board adjourned until eight of the Clock to morrow morning

Saturday November the 15th 1712

The Council Sate Present as yesterday save Mr Hall who had leave to go home on urgent occasions

Resolved that the Honble President and Council will address her most Sacred Majesty to thank her for her gracious Care and protection of us and her Steady and unwearied Endeavours to procure us an honourable and a lasting Peace and especially to thank her Majesty for notifying the Suspension of Arms agreed upon by her with the most Christian King.

And the said Address being drawn up It was sent to the House of Delegates to peruse and if they pleased to join therein

Sent by Col Addison

Ordered that Mr Samuel Worthington Mr Benjamin Wailes and Mr Thomas Hicks or either of them go to the Nanticoke Indians and acquaint them of the Law we have now made in their favour and of the penaltys our Laws inflict on the Several Breaches thereof by Felonys Burglarys Larcenys Menaces Batterys and the like misdemeanours And that we expect

U. H. J. any Indians guilty of the breach of such Laws to the Injury of her Majesty's Subjects shall be delivered up to Justice and
p. 795 punished in our Courts in the same Manner our People are for the like Offences

It being represented to this Board that the Priests of the Romish Communion within this Province contrary to the Laws thereof marry people not duly published according to Law nor having obtained Licences therefor

Ordered that the Clerk of this Board write to the said Priests of the Romish Communion to forbear that Practice and pay due obedience to the Laws of this Province in that respect

Mr Mariartee and Mr James Lloyd bring up the Bill for the paym^t^ and assessing the publick Levy Anno 1712 Read in the House of Delegates the first and second Time and being endorsed will pass sent to the House by Capt Dorsey

The Honble President desiring the Advice of the Board to what Time they think it most proper to prorogue the Assembly They are pleased to Say they think the tenth day of March next may be a fit time Least a Governour in chief should arrive with any just Commands from her sacred Majesty before the Spring

Col Ward & Mr Thomas Brooke bring up the Bill for paym^t^ & Assessm^t^ of the publick Levy of this Province. Assented to by the House of Delegates Which was read and assented to by this Board and returned to the House by Col Addison and Col Tilghman

p. 796 Mr James Lloyd and Mr Daniel Mariartee came from the House of Delegates to acquaint the honble President their House have nothing before them but wait the honble President's Commands

Mr Young and Col Tilghman sent to require Mr Speaker and the members of the House of Delegates to attend the Honble President in Council with the Bills agreed on this Session

They return and say they have delivered their Message

And accordingly Mr Speaker and the Delegates came up and presented to the Honble President in Council the several following Bills Viz

1. A Bill relieving the Inhabitants from some Aggrievances they lye under in prosecution of Suits at Law

2. A Bill reviving the Act for imposing 3^d^ ℔ Hhd on Tob^o^ towards defraying the Charge of this Province

3. A Bill reviving the Act imposing 3^{d} ꝑ Gall on Rum Wine Brandy and Spiritts & twenty Shill ꝑ poll on negros and Irish Servants U. H. J.

4. A Supplementary Act to the Act for appointing Constables & declaring what Persons shall be Taxables

5. A Bill reviving the Act for Encouragem^{t} of Tillage and relief of poor Debtors

6. A Bill against Striking Several Sorts of Fish

7. A Bill reviving the Act ascertaining the height of Fences

8. A Bill for killing of Squirrels

9. A Bill for regulating Writts of Error & granting Appeals.

10. A Bill to prevent Victuallers and Keepers of publick Houses from Entertaining Sailors & trusting them for more than five Shillings in a Voyage p. 797

11. A Supplementary Act to the Act for Stay of Executions

12. A Bill prohibiting the exportation of neat Hydes and cold Iron

13. A Bill reviving the Act ascertaining fees to the Attorney & for levying the same by way of Execution

14. A Bill to redress the great Evil accruing by the Multitude of useless Horses running in the Woods

15. A Bill restraining the Inhabitants from Selling great Quantitys of Liquors to the Indians and to prevent false news & rumours concerning them.

16. A Supplementary Bill to the Act for punishment of Adultery & fornication

17. A Bill for paym^{t} & assessm^{t} of the publick Levy

Private Bills

18. A Bill confirming the probat of John Harrison's Will

19. A Bill confirming to Francis Sherwood & his Heirs an Estate in Fee Simple

20. A Bill for the naturalization of Peter Overard Joseph Christmand Daniel Packett & Ambrose Nelson

21. A Bill making good & Valid in Law a Deed made by Col Ninian Beale to Michael Ashford

22. A Bill confirming the last Will & Testament of Col John Courts

U. H. J. 23. A Bill investing Margaret Hollingsworth and Catherine Wells in certain Lands

p. 798 24. A Bill confirming a Deed from Mr Edward Hancox to Mr Thomas Johnson

25. A Bill for the naturalization of Saml Guichard

26. And a Bill for Settling Baltimore County Court

All which said Bills the honble President was pleased to assent to on behalf of her most Sacred Majesty our Sovereign Lady the Queen of Great Brittain and Sealed them with the great Seale of the Province

After which he prorogued the General Assembly until the tenth day of March next Ensuing

So ended this first Session of Assembly

William Bladen Cl. Coun

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, Oct. 28 to Nov. 15, 1712.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

EDWARD LLOYD,
President of Council.

THE LOWER HOUSE OF ASSEMBLY.

Maryland scet

L. H. J. Lib. 41 p. 334

At an Assembly begun and held at the City of Annapolis on the 28th Day of October in the Eleventh Year of the Reign of our Sovereign Lady Ann by the Grace of God of Great Britain France and Ireland and the Dominions thereunto belonging Queen Defender of the ffaith &ta Annoq. Dom. 1712 by Virtue of her Majesty's Writs of Election directed to the several and respective Sheriffs of the several Counties of this Province and to the Mayor Recorder and Aldermen of the City of Annapolis impowering the freeholders of the several Counties to elect and choose four Deputies or Delegates for each County and the said Mayor Recorder and Aldermen to choose two Citizens for the City aforesaid to serve as Representatives of the several Counties and City aforesaid in this present General Assembly Which said Writs bear Date the twenty seventh Day of July last past returnable this present twenty Eighth Day of October 1712 aforesaid. At which Time there assembled in the Stadt House in the City of Annapolis aforesaid in the County of Ann Arundel the several Members following Viz.

For Saint Mary's County	Calvert County
Mr Thos Truman Greenfield	Mr John Mackall
Mr Henry Peregrine Jowles	Mr John Leach
Mr William Watts	Mr John Broome
Mr Kenelm Chesseldyne	Mr James Mackall
Kent County	**Charles County**
Mr Daniel Pearce	Colo Philip Hoskins
Mr Edward Scott	Mr Walter Storey
Mr St Ledger Codd	Mr John Fendall
Ann Arundel County	**Baltimore County**
Capt Richard Jones Junr	Mr Richard Colegate
Mr Daniel Mariartee	Mr Edward Stevenson
Mr Joseph Hill	
City of Annapolis	**Talbot County**
Mr Amos Garrett	Mr Robert Ungle
Mr Thomas Docwra	Mr Thomas Robins
	Mr Matthew Tilghman Ward
	Mr James Lloyd

L. H. J. Lib. 41

Somerset County
Mr Samuel Worthington
Mr William Whittington
Mr John Purnell
Mr Thomas Purnell

Prince George's County
Mr Robert Tyler
Mr Thomas Sprigg
Mr Thomas Clagett

Dorchester County
Mr Roger Woolford
Mr Henry Ennalls
Mr Govert Lockerman

Queen Ann's County
Mr Solomon Wright
Mr John Whittington
Mr Charles Wright
Mr John Wells.

Cecil County
Mr James ffrisby

Ordered Mr Robert Tyler and Mr Robert Ungle attend the Hon̄ble President and Council and inform that Board a sufficient Number of Members are met to make a House.

The Hon̄ble Samuel Young, John Hall, Charles Greenberry and William Whittington Esquires Members of her Majestys Hon̄ble Council and William Bladen Esq. Clerk of the Council enter the House and by Virtue of her Majesty's Commission of Dedimus potestatem directed to the said four Councillors to administer to the several Members aforesaid the Oaths appointed to be taken by Acts of Parliament.

p. 335 The several Members in the Presence of the said Councillors took the said Oaths, signed the Test and Oath of Abjuration, and the Hon̄ble Gentlemen of the Council and their Clerk withdrew

Ordered Mr Tyler, Mr Hill, & Mr John Whittington attend the Hon̄ble President and Council and inform their Honours the Members here met are ready to attend their Honours Commands

The Hon̄ble Samuel Young and John Dorsey Esquires enter the House and inform the Members the Hon̄ble President commands them immediately to attend him in the Council Chamber

The several Members repair to the Council Chamber and being admitted at that Board the Hon̄ble President commanded them to repair to their own House and choose their Speaker and present him.

The Members enter the House and there choose Mr Robert Tyler a Member returned for Prince George's County for their Speaker and place him in the Chair.

The House repair to the Council Chamber to present their

Speaker where being admitted the said Mr Tyler in a decent and humble Manner excused himself to the Hon̄ble President and desired his Honour to command the House to elect some other Person in his Room which his Honour would not grant L. H. J. Lib. 41

Then the said Mr Tyler desired the Hon̄ble President that the House might have Leave to return to their own House and there further consider of some more capable Person for their Speaker insisting on his own Incapacity. Upon which his Honr at the earnest Desire of the said Mr Tyler granted

The Members being returned to their own House Mr Tyler thanked them for their good Opinion of him and that the Hon̄ble President at his Request had given them Leave to consider further of their Speaker and earnestly desired them to be excused recommending Mr Robert Ungle a Member returned for Talbot County as a more capable Person

Several Members of her Majesty's Hon̄ble Council enter the House and their Clerk there read her Majesty's Writ of Prorogation in these Words Viz.

Maryland ss.

Ann by the Grace of God of Great Britain France & Ireland Queen Defender of the ffaith To our Trusty and well beloved our Councillors and the Delegates and Burgesses elected to serve in our General Assembly of this our Province of Maryland to be convened as on this Day Greeting Know Ye That we have thought fit and do hereby prorogue the said General Assembly until Wednesday the twenty ninth Instant At which Time we will you to convene yourselves together at the City of Annapolis in Order to consult, debate, advise and consent to such Things as by the ffavour of Almighty God shall then and there happen to be ordained and Enacted to the Glory of God, Her Majesty's Honour and the Welfare of this Province Witness myself at the City of Annapolis this twenty Eighth Day of October in the Eleventh year of our Reign &ta Annoq Dom. 1712

Edwd Lloyd

Loc. Mag. Sigil. Maryland

Vera Copia Examta R. Dallam Cl. Ho. Del.

Wednesday the 29th of October 1712.

At a Session of Assembly held at the City of Annapolis in Ann Arundel County pursuant to her Majesty's Writ of Prorogation bearing Date the twenty Eighth of October Instant there appeared and convened themselves together the several Members of the House of Delegates following Viz.

L. H. J. Lib. 41

For Saint Mary's County

M[r] Tho[s] Truman Greenfield
M[r] Henry Peregrine Jowles
M[r] William Watts
M[r] Kenelm Cheseldyne

Talbot County

M[r] Robert Ungle
M[r] Thomas Robins
M[r] Matthew Tilghman Ward
M[r] James Lloyd

Kent County

M[r] Daniel Pearce
M[r] Edward Scott
M[r] S[t] Ledger Codd

Somerset County

M[r] Samuel Worthington
M[r] William Whittington Jun[r]
M[r] John Purnell
M[r] Thomas Purnell

Ann Arundel County

Capt. Richard Jones Jun[r]
M[r] Daniel Mariartee
M[r] Joseph Hill
M[r] Charles Hammond

Dorchester County

M[r] Roger Woolford
M[r] Henry Ennalls
M[r] Govert Lockerman

City of Annapolis

p. 336 M[r] Amos Garrett
M[r] Thomas Docwra

Cecil County

M James Frisby

Calvert County

M[r] John Mackall
M[r] John Leach
M[r] John Broome
M[r] James Mackall

Prince George's County

M[r] Robert Tyler
M[r] Thomas Sprigg
M[r] Thomas Clagett

Charles County

Col[o] Philip Hoskins
Major Walter Storey
M[r] John Fendall

Queen Ann's County

M[r] Solomon Wright
M[r] John Whittington
M[r] Charles Wright
M[r] John Wells

Baltimore County

M[r] Richard Colegate
M[r] Edward Stevenson
M[r] William Talbott

Capt. Richard Jones, M[r] Daniel Mariartee and M[r] Richard Colegate ordered to attend the Hon̄ble President and Council and acquaint that Board the Members of this House are met according to her Majesty's Writ of Prorogation and that they are desired to see M[r] William Talbot and M[r] Charles Hammond sworn.

They return and say they delivered their Message, and saw the two Gentlemen sworn

The Hon̄ble Charles Greenberry and Richard Tilghman Esquires from the Hon̄ble Council enter the House and inform the several Members that the Hon̄ble President and Council commands them to attend him in the Council Chamber. L. H. J. Lib. 41

Accordingly the Members repair to the Council Chamber, and being there admitted the Hon̄ble President and Council commanded them to repair to their own House and choose their Speaker and come and present him to him

The Members enter the House and there choose Mr Robert Ungle a Member returned for Talbot County for their Speaker and place him in the Chair, not permitting him to make any Excuse.

The House adjourns to the Council Chamber and there present their Speaker to the Hon̄ble President and Council. And Mr Speaker reverently directing himself to the Hon̄ble President disabled himself praying to be excused and that his Honour would command the House to choose some other Person better qualified for that Trust. Which Excuse his Honour would not admit but commanded him in her Majesty's Name to take upon him the same

Mr Speaker in the name of the whole House desired the Hon̄ble President on her Majesty's Behalf to confirm all the ancient and accustomed Privileges belonging to the House which his Honour was pleased to grant and confirm

For which Mr Speaker returned the Thanks of the House And The Hon̄ble President declared the Reason of calling them together as followeth Viz.

Mr Speaker and you Gentlemen of the House of Delegates

It having been under my Consideration when to call an Assembly I have been advised by her Majesty's Hon̄ble Council to convene you at this Time, not doubting you will have it in your View to dispatch the necessary Business of this Session in as little Time as may be and that your Inclinations are to place as little Charge upon your Electors as possible for which Reason I hope you will expedite what may be recommended to your Consideration, and also take the speediest Methods to raise such necessary Supplies as may be needful to defray the publick Charge of this present year, which I can with Sincerity say I have endeavoured to make as light as I could. Your hearty Efforts that way will not only convince the Country how careful your are of their Interest but also afford you an Opportunity of returning in a few Days to your respective Habitations. p. 337

Gent^l^ I am not insensible some have a Notion I may assent to any Law that may be proposed and 'tis therefore I am obliged

L. H. J. Lib. 41 to acquaint you her Majesty's Royal Instructions have restrained me from passing any Acts in Absence of a Governor in Chief but what are immediately necessary for the Preservation of the Peace and Welfare of the Province without her Majesty's particular Order for that Purpose Which being promised I am persuaded you will acquiesce in her Majesty's Commands and not expect me to act contrary to what I am so strictly charged with.

Mr Speaker desired the Hon̄ble President he might have a Copy of what he had pleased to declare to him and the House for their better Information which his Honour was pleased to grant and Mr Speaker and the rest of the Members return to their own House

Mr Speaker took the Chair and the House made Choice of Richard Dallam to be their Clk

Ordered Mr Daniel Mariartee and Mr James Lloyd go and present him to the Hon̄ble President and Council for their Approbation and to see him qualified. They return and say the Hon̄ble President and Council approve of the Clerk and that he is qualified

Resolved Mr Richard Young be Serjeant Attendant to this House and Moses Adney Doorkeeper

The Rules of the House Read, agreed to, and set up.

Resolved the House meet every Day at Nine in the Morning and continue sitting 'till four in the Afternoon

Resolved Eighteen Members and Mr Speaker be a sufficient number to proceed on Business this Session

The House proceed to name their several Committees Viz.

For the Committee of Laws Mr Samuel Worthington, Mr Matthew Tilghman Ward, Mr John Wells, Mr Richard Colegate, & Mr Thos Robins

For the Committee of Privileges and Elections Mr John Mackall, Mr Richard Jones, Mr Henry Ennalls, Mr Henry Peregrine Jowles, and Mr St Ledger Codd.

For the Committee of Aggrievances, Mr Robert Tyler, Mr Daniel Mariartee, Mr Govert Lockerman, Mr Amos Garrett and Mr John Whittington.

For the Committee of Accounts, Mr John Leech, Mr Joseph Hill, Mr Edward Scott, and Mr Greenfield.

Read the Hon̄ble President's Speech, and Ordered Mr James Frisby and Mr Roger Woolford consider thereof and prepare an Answer thereto and report the same to the House to Morrow Morning

Mr Henry Trippe, a Member returned for Dorchester County enters the House L. H. J. Lib. 41

Ordered Mr Woolford and Mr Lockerman attend him to the Hon̄ble Council & see him qualified

They return and say they saw him qualified and Mr Trippe took his Place in the House

The Hon̄ble Col° Addison and Col° Tilghman from the Council enter the House and deliver Mr Speaker the Hon̄ble President's Notification to the House of a Suspension of Arms agreed to between her Majesty and the French King and her Majesty's Royal Proclamation declaring the same.

The Referrence from last Session relating to wild Horses Read and referred for Consideration to Morrow Morning p. 338

Mr John Bradford's Petition with the Referrence from last Session Read and Leave given to bring in a Bill as prayed upon making good the Allegations before the Committee of Laws

Mr Bladen's and Mr Carroll's Remonstrance referred from last Session Read and referred for further Consideration to Morrow.

Moses Lecompte's Petition Read and Referred for further Consideration.

Mr Edward Blay a Member for Kent County, Mr Matthias Vanderheyden, a Member for Cecil County, and Col° James Smallwood a Member for Charles County their nonattendance dispenced with by the House upon their Excuses

John Dent's and John Cole's Petitions Read and referred to the Committee of Laws to examine the Petitioners Pretensions and report their Opinion to the House

Petitions against striking Fish in Dor. and Talbot Counties Read and debated. Put to the Question whether a Bill be brought in to prohibit the striking Fish or not? Resolved in the Affirmative and ordered the Committee of Laws prepare and bring in a Bill accordingly

The House adjourned till to Morrow Morning Nine O'Clock

Thursday 30th October 1712

The House met according to Adjournment. Being called over were all present as Yesterday.

Read what was done Yesterday.

The Referrence relating to wild Horses read and debated. Put to the Question Whether a Bill be brought in or not?

L. H. J. Lib. 41 Resolved in the Affirmative and Ordered the Committee of Laws prepare and bring in a Bill to remedy the Aggrievance complained of

Mr Bladen's and Mr Carroll's Remonstrance referred for Consideration Read and Resolved it be referred to Col^o Hoskins, Mr Hammond, Mr Sprigg and Mr Trippe to view the Houses and confer with Mr Bladen about the Agreement pretended to be made and report it with their Opinion to the House

Moses Lecompte's Petition again read and rejected.

Peter Overy's Petition praying Leave to bring in a Bill for his Naturalization Read and Leave given to bring in a Bill as prayed.

Resolved a Bill be brought in for Naturalization of Daniel Packett.

Mr Thomas Hammond a Member returned for Baltimore County appeared

Ordered Mr Colegate and Mr Talbot go and present him to the Hon̄ble President & Council and see him sworn.

They return and say they saw him sworn, and Mr Hammond took his Place in the House

Mr Worthington from the Committee of Laws reports what Temporary Laws expire this Session Viz.

An Act ascertaining Attorneys Fees and for levying the same by Way of Execution Resolved the said Act be revived

An Act ascertaining the Height of Fences &^ta Resolved the Act be revived

An Act for the Encouragement of Tillage and Relief of poor Debtors. Put to the Question whether this Act be revived or revised? Resolved by Majority of Votes it be revived

An Act for imposing three Pence ꝑ Gallon on Rum, Wine, Spirits &^ta and twenty Shillings ꝑ Poll on Irish Servants and Negroes &^ta Resolved it be revived

p. 339 An Act laying an Imposition of three Pence ꝑ Hhd on Tobacco to defray the Charge of the Province Resolved it be revived.

An Act relieving the Inhabitants of this Province from some Aggrievances they lye under. Resolved it be revived.

Resolved upon the Report of the said Committee That a Bill be brought in to ascertain who are Taxables.

Arthur Miller's Petition Read and Leave given to bring in a Bill next Session upon making good the Allegations unless Andrew Skinner the Heir at Law of Andrew Skinner in the

Petition mentioned shall then appear and Shew Cause to the contrary having due Notice thereof L. H. J. Lib. 41

Francis Sherwood's Petition Read He appeared at the Bar with his Evidences and Council and Mr Daniel Sherwood his Brother and Heir at Law to the Petitioners Father appearing at the Bar and hearing the Petition and the Evidences made no Objections and the Matter in the Petition being reasonable, Resolved Nemine contradicente that a Bill be brought in for the Petitioners Relief as prayed.

Mr Frisby and Mr Woolford report to the House the Answer to the Hon̄ble President's Speech which being read and approved was ordered to be entered as followeth Viz.

To the Hon̄ble Edward Lloyd Esq. President of her Majesty's Hon̄ble Council of Maryland and Commander in Chief thereof

We her Majesty's most Dutiful and Loyal Subjects the Deputies & Delegates of the said Province now in Assembly convened in most dutiful and humble Manner crave Leave to return your Honour our most Dutiful and hearty Thanks for convening us at this Time when the Country we represent needs so much Succour and Relief; the deplorable and sad Condition whereof in some Measure we greatly hope will be lessened by the delightful Prospect of the glorious and happy Peace we expect will follow the Suspension of Arms agreed upon between her Majesty and the most Christian King, Her Majesty's Royal Proclamation for declaring the same so happily arriving before the Time of our Meeting and your Honours prudent Care in so Timely communicating it to this House. As it always was so we hope it always will be the Care and Concern of this House to have it in their View to dispatch in a convenient Time the necessary Business that lyes before them and that with as little Charge as the necessities of those we represent will bear assuring your Honour this House have under their Consideration the Methods for raising such necessary Supplies as shall be needful to defray the publick Charge of this Province for this present Year wherein we gratefully acknowledge your Honour's Care and Endeavours to make it as light and easy to its miserable Inhabitants as you could, but the Opportunity of returning in a few Days to our respective Habitations will never induce us willingly to leave the Country we represent in the same Condition it was when we were elected

Your Honour cannot be more sensible of the Notion some have that you may assent to any Law that may be proposed than this House are of your tender Care and Concern to

L. H. J. Lib 41 serve her Majesty and do all the good Offices you can to the People, you have the Honour to govern under her and by her particular ffavour of so long Duration which we pray may still continue; and as we the Representative Body of the Province have no Design of offering any Thing of great Moment to
p. 340 your Honour but what is absolutely and immediately necessary for the Welfare, Peace and Tranquility of the Province so we cannot harbour the least Thought of your Honours not concurring with us therein assuring your Honour that our Design or Intention is not to propose or expect your Honour to assent to any Thing which we conceive will be contrary to the Instructions given you by her Majesty to whose most Princely Care and tenderly Affection, we entirely recommend the Lives and ffortunes of ourselves and those we represent

Signed p Order of the House of Delegates
p Rich[d] Dallam Cl. Ho. Del.

30th October 1712

Sent up to the Hon̄ble President by Col[o] Hoskins, M[r] Lloyd, M[r] ffrisby, M[r] Sprigg, M[r] William Whittington, M[r] James Mackall, M[r] Trippe and M[r] Chesseldyne

They return and say they delivered the same

The Petition of the Inhabitants of Dorchester County for altering their Parishes, Read and by the House rejected

M[r] Jowles and M[r] Greenfield report that in Obedience to the Order of the House they had received from the Treasurer the ten Pounds allowed to the Chaptico Indians and paid the same to the King of those People

M[r] John Mackall from the Committee of Privileges and Elections enters the House and reports that the several Members returned to serve in this present General Assembly for the Counties of Calvert, Queen Ann's, Dorchester, Saint Marys, Cecil, Talbot, Charles, Prince George's, Somerset and Kent and for the City of Annapolis are duly elected according to Law.

He also reports that the Sheriffs of Kent, Somerset and Prince George's Counties have not returned their Writs of Election according to the Direction of those Writs

Resolved the House will to Morrow Morning consider of the said Report relating to the Sheriffs' not returning the Writs of Election

The House adjourned till to-Morrow Morning Nine O'Clock

Friday 31st October 1712 L. H. J. Lib. 41

The House met again according to Adjournment. Being called over were all present as Yesterday

Read what was done Yesterday.

The House according to Order proceeds to consider the Referrence yesterday of that Part of the Report of the Committee of Elections and Privileges relating to some Sheriffs not returning their Writs of Election. Debated and Resolved unless the said Sheriffs return the Writs this Session the Clerk of this House issue an Order commanding them to attend this House the next Session and answer their Contempt

Moved that a Message be sent to the Hon̄ble Council to desire their Honours to communicate to this House the Reasons laid before her Majesty for dissassenting to the Act for Appeals and Writs of Errors &ta and Resolved a Message be prepared

Read the Petition of Joseph Crismands of Charles County praying to be naturalized and Leave given to bring in a Bill for that Purpose.

Mr John Wells from the Committee of Laws enters the House and delivers Mr Speaker several reviving Bills. Ordered they be laid by till to Morrow

Mr Robert Tyler from the Committee of Aggrievances enters the House and delivers Mr Speaker their Report of several Aggrievances. Read and laid by for further Consideration when that Committee makes a further Report

Read the Petition of some Inhabitants of Dorchester County concerning some Abuses in the County Court Offices of that County debated and by the House rejected

The House adjourned till to Morrow Morning Nine O'Clock

Saturday 1st Nov. 1712 p. 341

The House met again according to Adjournment Being called over were all present as Yesterday.

Read what was done Yesterday

Mr Thomas Brooke a Member returned for Prince George's County enters the House

Ordered he withdraw till the Hon̄ble Council sit to qualify him

The Message ordered to be prepared yesterday Read, approved, and ordered to be entered as followeth

L. H. J. Lib. 41

By the House of Delegates
31st October 1712

This House desire the Hon̄ble President and Council to communicate to them the Reasons laid before her Majesty for her Disallowance of the Act relating to Appeals and Writs of Error

Signed p Order Richd Dallam Cl. Ho. Del.

Sent up to the Hon̄ble Council by Mr Charles Hammond, Mr James ffrisby, Mr John Broome and Mr Roger Woolford and ordered they present Mr Thomas Brooke to the Hon̄ble Council and see him qualified.

They return and say they delivered their Message and saw Mr Brooke qualified. And Mr Brooke took his Place in the House.

Roger Boyce's Petition Read praying Leave to bring in a Bill to supply the Defect of a Record imbezzled in Calvert County Court Records purporting the Sale of Land from Chapline to Norton and Leave given to bring in a Bill to confirm the Sale from Chapline to Norton the next Session of Assembly unless William Chapline the Heir at Law having due Notice shall then appear and shew Cause to the contrary.

Mr John Mackall from the Committee of Elections and Privileges enters the House and report as follows Viz.

By the Committee of Elections and Privileges
Oct. 31st 1712.

Upon reading the Petition and as well hearing the Petitioners Council thereto against the Election of the Members returned to serve in this present General Assembly for Baltimore County as the Council for the said Members we do find the said Members (to wit) Mr Richard Colegate, Mr Thomas Hammond, Mr William Talbot and Mr Edward Stevenson to be unduly elected for the said County the Sheriff of the said County having not proceeded according to Law in Relation to the said Election but the Petition aforementioned being directed to the House we submit to the House's Judgment thereon

Signed p Order John Beale Clk.

Upon reading the aforegoing Report, Petition and Depositions relating thereto,

Resolved Nemine contradicente That the House concur with the Report of the Committee that the Members returned for Baltimore County are unduly elected.

Ordered Mr Richard Colegate, Mr Edward Stevenson, Mr Thomas Hammond and Mr William Talbot the Members returned for Baltimore County be expelled this House and discharged from any further Attendance therein as Members thereof. L. H. J. Lib. 41

Ordered the Serjeant at Arms attending this House take into his Custody the Body of James Presbury Sheriff of Baltimore County and bring him before this House on Monday next to answr his Contempt of the Laws and the Privileges of this House in his undue Election of the said four Delegates of that County

Ordered Mr Speaker issue his Warrant to the Honble Secretary to issue a new Writ for Election of four Members for Baltimore County in the Room of Mr Colegate, Mr Stevenson, Mr Hammond and Mr Talbot, who were unduly elected.

The Honble Colo Holland, John Hall, Thomas Addison and Richard Tilghman Esquires enter the House and deliver Mr Speaker the following Message. p. 342

By the Council in Assembly
November 1st 1712

This Board observing several Temporary Laws of this Province will expire at the End of this present Session Viz.

The Act for Encouragement of Tillage and Relief of poor Debtors

The Act imposing three Pence p Gallon on Rum, Wine Brandy and Spirits & twenty Shillings p Poll on Negroes and Irish Servants.

The Act relating to the Height of ffences and restraining Horse Rangers.

The Act imposing three Pence p Hhd on Tobacco for defraying the Country Charge. And

The Act for regulating Attorneys ffees &ta We cannot omit the Revival of them to your Consideration.

Signed p Order W Bladen Cl. Council

The House proceeds to read the several Bills brought in Yesterday by the Committee of Laws viz.

A Supplementary Act for appointing Constables and ascertaining what Persons are Taxables Read the first Time and ordered a second Reading

Bill reviving an Act for Encouragement of Tillage and Relief of poor Debtors Read and committed for Amendments

L. H. J. Lib. 41 An Act against striking ffish &ta Read and committed for Amendments

An Act reviving an Act relieving some Aggrievances Read the first and second Time by special Order and will pass

Bill reviving an Act laying an Imposition of three Pence ꝑ Hhd on Tobacco towards defraying the Charge of the Country. Read the first & second Times by special Order & will pass.

Bill reviving the Act imposing three Pence ꝑ Gallon on Rum, Wine, Brandy and Spirits & twenty Shillings ꝑ Head on Negroes & Irish Servants. Read the first & Second Times by special Order and will pass.

Bill confirming unto ffrancis Sherwood and his Heirs an Estate in ffee simple of in & to certain Lands Read the first and second Times by special Order & will pass.

Bill reviving the Act ascertaining ffees to Attorneys and levying the same by Way of Execution. Read the first and second Times by Special Order & will pass

The five last Bills sent up to the Council by Colº Hoskins, Mr Lloyd, Mr Broome, Mr Sprigg, Mr Brooke, Mr John Purnell, Mr William Whittington and Mr Clagett

They return and say they delivered the Bills

Mr Cadwallader Edwards Petition praying an Allowance for making Window Shutters and other Work done about the Stadt House Read and referred to Mr Leach, Mr Woolford and Mr Thomas Purnell to view the Work and report the Value thereof to the House

Mr James Lloyd and Mr James ffrisby ordered to attend the Council to see Mr John Rousby prove his Naval Officers Accounts.

They return and report they saw him sworn thereto.

Mr John Mackall from the Committee of Elections and Privileges enters the House and reports that the several Members returned for Ann Arundel County are duly elected according to Law. The House concurs with the Report of the Committee

Matthew Mason's Petition referred from last Session Read. Mr Richd Bennett appeared & heard thereto. Debated and referred for further Consideration on Tuesday.

p. 343 The Referrence relating to an Agent Read and referred for further Consideration next Session.

The Message & Referrence relating to the Building Magazine Houses in every County read and debated and referred for further Consideration next Session

The House Adjourned till Monday Morning Nine O'Clock.

Monday 3d November 1712 L. H. J. Lib. 41

The House met according to Adjournment Being called over were all present as on Saturday except the Members for Baltimore County who were expelled the House.

Read what was done on Saturday.

Ordered Mr John Rousby Naval Officer of Patuxent District send to Great Britain for Paper, Parchment, Books, Colours, Ink and other Necessarys as he shall be ordered by Warrant under Mr Speaker's Hand, on the publick Account and Risque, and that he be allowed the Charge in his Naval Officers Accounts

Mr John Leach from the Committee of Accounts enters the House and reports that William Green of Somerset County demands Allowance for fifty thousand Pounds of Tobacco for two thousand five hundred Acres of Land laid out for the Indians according to the Act for that Purpose

Ordered the Committee of Accounts make Allowances to him and the rest of the Owners of the Land laid out for the Indians

John Dent's Petition with the Report of the Committee of Laws thereon read and Leave given to bring in a Bill as prayed

Bill against striking ffish, Read with the Amendments & committed for further Amendments

Col° Whittington and Col° Tilghman from the Hon̄ble Council enter the House and deliver Mr Speaker her Majesty's Order in Council for repealing the Act for Appeals and regulating Writs of Error and the following Message.

By the Hon̄ble President and Council in Assembly
November 3d 1712.

In Answer to your Message by Major Hammond and three other of your House desiring us to communicate to you the Reasons laid before her Majesty for repealing the Act for Appeals and regulating Writs of Error, we herewith send you her Majesty's Order in Council for repealing that Law by which you will observe the Reasons inducing thereto.

Signed p Order W Bladen Cl. Council.

Supplementary Bill to the Act for Constables &ta Read the second Time. Put to the Question whether a Clause be added to excuse impotent Negroes from being Taxables? Carried in the Negative and Resolved the Bill pass

Bill reviving the Act for Encouragement of Tillage and

L. H. J. Lib. 41 Relief of poor Debtors Read with the Amendments and will pass

Moved that a Message be sent to the Council to desire a Conferrence relating to the Act for Appeals &ta Viz.

By the House of Delegates
3d November 1712

This House humbly desire a Conferrence with some of the Members of her Majesty's Hon̄ble Council relating to her Majesty's Order for repealing the Act for Appeals and Writs of Error that some Care may be taken to prevent the ill Consequences that may happen by Want of such an Act.

Signed p Order Richd Dallam Cl. Ho. Del.

The Message and two Bills past this Day sent up to the Hon̄ble Council by Mr Hammond, Mr ffrisby, Mr Codd & Mr Broome.

They return and say they delivered the Message & Bills

The Hon̄ble John Dorsey Esq. from the Council enters the House and delivers Mr Speaker two Acts of Parliament & the following Message

By the Hon̄ble President and Council
November 3d 1712

p. 344 Gent. Two Acts of the Parliament of Great Britain being directed by the Right Hon̄ble the Lords of Trade and Plantations in their Letter of the twenty sixth of October 1711 to be duly published within this Province that Command has been obeyed by the Hon̄ble President's Proclamation therefore and the said Acts are herewith transmitted to your House

Signed p order W Bladen Cl. Council.

The Hon̄ble Samuel Young, Charles Greenberry, Thomas Addison & Richd Tilghman Esqrs from the Council enter the House and deliver Mr Speaker the following Bills severally indorsed Viz.

Bill reviving the Act for relieving some Aggrievances Indorsed

By the Council in Assembly
Novr 3d 1712

Her Majesty having been pleased to signify that the several Bills past in the Assembly held in Nov. 1709 were not past according to her Royal Instructions in that they were said only to be Enacted by and with the Advice and Consent of

the Council and Assembly and not the President Council and Assembly and therefore having declared them not Enacted by a Sufficient Authority and this Bill aiming to revive another Enacted in the same Manner it will be contrary to what her Majesty has been pleased to notify to us and of none Effect. And forasmuch as the said Bill curtails the Jurisdiction of her Majesty's Courts we cannot think it safe for us at this Time to reenact such a Law but when a Governor in Chief comes fully instructed we shall readlly join with you in representing to him what may be for the Benefit and Advantage of this Province L. H. J. Lib. 41

Signed p Order W Bladen Cl. Council.

Which being read and debated Resolved the House will further consider thereof to Morrow Morning

Bill reviving the Act imposing three Pence p Hhd on Tobacco &ta Indorsed—

By the President and Council
Novr 3d 1712

Read in Council the first Time and will pass the Time of the making the Act to be revived being inserted in the Body of the Bill tho' omitted in the Title thereof

Signed p Order W Bladen Cl. Council.

Read again in the House, the Amendments agreed to and past for ingrossing

Bill imposing three Pence p Gallon on Rum, Wine, Brandy and Spirits and twenty Shillings p Poll on Negroes and Irish Servants Indorsed,

By the Council in Assembly
Novr 3d 1712

Read in Council the first Time and will pass the Time of the making the Act to be revived being inserted in the Body of the Bill tho' it were omitted in the Title thereof.

Signed p Order W. Bladen Cl. Council.

Read again in the House the Amendments agreed to and past for ingrossing

Bill reviving the Act ascertaining Attorneys ffees and for levying the same by Way of Execution Indorsed

L. H. J. Lib. 41

By the Council in Assembly
Novr 3^{d} 1712

Read in Council the first Time and will pass the Time of the making the Act to be revived being inserted in the Body of the Bill tho' omitted in the Title thereof.

Signed p Order W Bladen Cl. Council.

Read again in the House, the Amendments agreed to and past for ingrossing

Bill confirming Land to ffrancis Sherwood and his Heirs forever indorsed

By the Council in Assembly
Novr 3^{d} 1712

Read at the Board by special Order the first and second Times and will pass.

Signed p Order W Bladen Cl. Council.

Read again in the House and past for ingrossing

Committee appointed to view Mr Edward's Work about the Stadt House report That they have viewed the same, that the work is well done and the Charge thereof amounts to forty five Pounds fourteen Shillings.

Resolved the Committee of Accounts allow the same

The Hon̄ble Col^{o} Whittington and John Dorsey Esq. from the Council enter the House and deliver Mr Speaker the following Message.

By the President and Council
Novr 3^{d} 1712.

This Board do agree to the Conferrence desired by your
p. 345 House relating to the Repeal of the Act relating to Appeals and regulating Writs of Error, and when you signify the Persons, Time, and Place you think meet for that Conferrence we shall take Care to send some of our Members to confer with them

Signed p Order W Bladen Cl. Council.

Upon reading this Message the House appointed their Conferrees and ordered they carry up the following Message to the Hon̄ble President and Council Viz.

By the House of Delegates
3^{d} Nov. 1712

This House have appointed Mr Hoskins, Mr Tyler, Mr John

Mackall, Mr Worthington, Mr Ward, Mr Wells, Mr Leach and Mr Woolford, Members of this House to join with her Majesty's Hon̄ble Council in the Conferrence desired, and if the Hon̄ble Council please to meet at Mr Dodd's to Morrow at twelve O'Clock at Noon L. H. J. Lib. 41

Signed p Order Richd Dallam Cl. Ho. Del.

They return and say they delivered the same

The House adjourned till to Morrow Morning nine O'Clock.

Tuesday 4th Novr 1712

The House met again according to Adjournment. Being called over were present as yesterday.

Read what was done yesterday.

The House proceeds to debate the Message from the Council on the Bill reviving the Act for relieving some Aggrievances and resolved to proceed in no other Business till that Bill or some other of like Nature be agreed to and that a Message be prepared and sent to the Council as followeth.

By the House of Delegates
4th November 1712

This House have considered the Indorsment of the Hon̄ble Council on the Bill reviving the Act for relieving some Aggrievances and never expected your Honours would have returned the same with such an Indorsment considering the little Time we desire this Act to continue If that Act at first was past contrary to her Majesty's Royal Instructions it was no fault in this House they having obeyed those that then took upon them the Government and we cannot but believe your Honours have certified her Majesty the Reason why the Acts past under that Stile being induced thereto by her Majesty's not disapproving as well those made Anno 1710, as those made Anno 1709, and we also remember the Interest made against this Bill more than any other at the Time of passing it and the Confidence some Gentlemen then had of having it returned disallowed of in a little Time, all which we see vanished in it's continuing the Time it was made for.

Your Honours are not unsensible we conceded to your Request to revive the Act for Officers Fees till after the Arrival of a Captain General not being willing to enter into long Debates about it.

If this Bill curtails the Jurisdiction of the Courts we think that Objection may be easily obviated considering the great

L. H. J. Lib. 41 Oppression her Majesty's poor Subjects labour under by the unreasonableness of their Attendance on the Provincial Courts and the great ffees that are there taken. We believe the Hon̄ble President hath now as full Instructions as any Capt. General can expect to pass any Bills of absolute Necessity being invested with a Negative Voice. And if your Honours will assert your own Authority and the Dignity of your Board to remove this and other great Aggrievances we have to lay before you it will be no Breach but a Performance of your Duty to her Majesty a real and not feigned Intent and Desire to serve the Country in which you have a great Interest and more Reputation than so nicely to insist on and deny any Thing that tends to ease the Inhabitants of this Province when the same interferes with the Interest of some particular Per-
p. 346 sons. But if your Honours think it more necessary and will consent that a new Bill may be past to remedy those Aggrievances (tho' under some other Title) we shall readily concur with you therein, if not, we desire we may not stay here to no Purpose and spend our Time and the Country's Money we being resolved to proceed in no other Matter until we know your Resolution herein the Business of this House being as well to ease the Inhabitants of their grievous and unmerciful Oppressions as to raise a Supply to defray the Charge of the Country

Signed p Order Rich[d] Dallam Cl. Ho. Del.

Ordered M[r] James Lloyd, M[r] Charles Hammond, M[r] James ffrisby, M[r] John Broome, M[r] S[t] Ledger Codd, M[r] Thomas Brooke, M[r] James Mackall, and M[r] Henry Ennalls carry up the said Message to the Hon̄ble Council.

They return and say they delivered the Message.

The Serjeant attendant according to Order brought to the Bar of this House, James Presbury Sheriff of Baltimore County. M[r] Speaker informed him that he was charged with Partiality and Neglect of his Duty in the Election of Members for that County. The Sherriff confessed he was now sensible thereof and excused himself saying 'twas his Ignorance and some menacing Letters he had from some Gentlemen living about Potapsco that occasioned it and not any Contempt and humbly submitted himself to the Censure of this House praying them to consider his poor Condition and the Parties made in his County & withdrew

The House debated the Cause of sending for the Sheriff, his Excuse, and considering the great and many Disturbances and Heats among the People of the County of Baltimore and that the Sheriff was ignorantly drawn into this Misfeazance in his Office,

Resolved he should beg Pardon of the House, pay to the Clerk of this House five hundred Pounds of Tobacco, To Richard Young Serjeant attendant 400lb Tobo To Dutton Lane, his Deputy, for his Journey and ffees, six hundred Pounds of Tobacco, and to Moses Adney, Doorkeeper, two hundred Pounds of Tobacco. L. H. J. Lib. 41

The Sheriff again called into the House, Mr Speaker acquainted him how favourable the House was in their censuring him. He returned Thanks, begged Pardon on his Knees, promised to comply with the ffees and withdrew.

Ordered the said Sheriff be dismissed from any further Attendance on this House

The Honble Colo Greenberry and Colo Tilghman from the Council enter the House and deliver Mr Speaker several Papers and Petitions relating to Baltimore County, Recommended to the House by the Honble Council for quieting the People of that County.

Resolved they be considered of to Morrow

John Hall Esqr enters the House and delivers Mr Speaker the following Message.

By the Honble President & Council in Assembly
Novr 4th 1712

The Honble John Hall Esqr Thomas Addison and Philemon Lloyd Esqrs and Colo Richard Tilghman are appointed by us to confer with the Conferees from your House on the Subject Matter desired at the Time and Place appointed and are now ready to join with your Members on that Conferrence.

Signed p Order W Bladen Cl. Co.

Ordered the Members appointed by this House go out on the Conferrence. Afterwards the Gentl. of the Conferrence entered the House and delivered Mr Speaker the following Report.

The Conferrees are humbly of Opinion that it's absolutely necessary that a Bill be brought in for regulating Writs of Error and granting Appeals from and to the Courts of Common Law, within this Province and that the said Bill be in all Respects agreeable to the former Law for Appeals and regulating Writs of Error; excluding that Paragraph relating to Appeals from the High Court of Chancery to the Governor and Council. The said Conferrees are likewise of Opinion that a Clause be added to the said Bill to restrain all Appeals p. 347

L. H. J. Lib. 41 from the Decrees of the High Court of Chancery to the Queen and Council in England unless the Sum amount to three hundred Pounds Sterling or sixty thousand Pounds of Tobacco.

Signed p Ord^r^ Edm^d^ Benson Cl. Con^l^

Upon reading the above Report of the Conferrees the House therewith concur and Resolved a Bill be brought in accordingly

Richd Dallam Cl. Ho. Del.

The Hon̄ble John Dorsey Esqr enters the House and delivers Mr Speaker the following Bills Viz.

Bill reviving the Act for Encouragement of Tillage and Relief of poor Debtors. Indorsed—

By the Council in Assembly
Nov. 3^d^ 1712.

This Bill being read at the Board will pass with the Amendments proposed and the Time of the making the Act proposed to be revived being inserted in the Body of the Bill tho' it were omitted in the Title thereof

Signed p Order W Bladen Cl. Council.

4th Nov. 1712

Read again in the House, the Amendments agreed to & past for ingrossing

R Dallam Cl Ho. Del.

A supplementary Bill to the Act for appointing of Constables &^ta^ Indorsed—

By the Council in Assembly
November 3^d^ 1712

Read the first Time and will pass with this Amendment, & also, all such Slaves which shall be adjudged by the County Courts to be past their Labour For tho' it's reasonable they that have had their Labour should maintain them yet it's hard to pay Levy for such Slaves

Signed p Ord^r^ W Bladen Cl. Co.

Read again in the House the Amendments agreed to and past for ingrossing

Richard Dallam Cl. Ho. Del.

The Hon̄ble Col° Whittington from the Council enters the House and delivers Mr Speaker the following Message and sundry Accounts thereto relating L. H. J. Lib. 41

By the Council in Assembly
Novr 4th 1712.

Whereas the Sea board Side of Somerset County hath lately been often alarmed by Privateers and some having attempted to land there to the great Terror of the Inhabitants, the Hon̄ble Col° Whittington the Commander in Chief of that County was requested by this Board to procure a great Gun to make an Alarm and to employ Persons to look out on the Sea board Side Wherefore that Service and the Charge thereof is recommended to your Consideration that such reasonable Satisfaction as you shall see fit on View of the Accounts herewith sent you may be made the respective Persons employed thereabout

Signed p Order W Bladen Cl. Council

Upon reading the beforegoing Message and examining the Accounts Resolved they be referred to the Committee of Accounts for Allowance

Mr Bladen and Mr Carroll's Remonstrance again read with the Report of the Committee thereon. Debated, and Resolved the Committee of Accounts allow fifteen Pounds in full till this Time

Mr Young, the Treasurer's Memorial Read praying a further Allowance for Paper and Parchment. Debated and Resolved no further Allowance be made.

The House adjourned till to Morrow Morning Eleven O'Clock

Wednesday 5th Nov. 1712.

This being the Anniversary Day of Thanksgiving for the Delivery from the Gunpowder Plot the Hon̄ble Speaker attended by the whole House repaired to the Church and after Divine Service and Sermon ended The House met according to Adjournment. Being called over were present as yesterday p. 348

Read what was done yesterday.

Matthew Mason's Petition again read and debated.

Put to the Question whether the House will proceed therein this Session or not? Resolved in the Affirmative and Leave given to bring in a Bill as prayed

The Report of the Conferrees brought into the House

L. H. J. Lib. 41 Yesterday sent up to the Hon̄ble Council for their Concurrence.

The Hon̄ble Col° Holland, Col° Greenberry, Col° Addison and Col° Tilghman enter the House and deliver Mr Speaker the following Message.

By the Council in Assembly
Novemb^r^ 4th 1712.

In Answer to your Message by Mr James Lloyd and six other of your Members wherein you express your Surprise to find the Bill proposed for reviving the Act relieving the Inhabitants from some Aggrievances &^ta^ returned with such an Indorsment thereon from this Board we must affirm that upon the most deliberate Consideration we are induced to believe the said Law is not enacted by a sufficient Authority and therefore it would be altogether in vain to offer at the reviving thereof. Altho' your good Opinion of our sincere Intentions for the Service of the Country shews more Reflection than Judgment, and notwithstanding it merits a particular Resentment, yet we shall so far consider the Interest of the Province to shew you how essential we take it for it's Welfare we should cultivate a good Understanding with you that at present we shall pass it by and not neglect any Thing that may be reasonably proposed for the Ease and Benefit of her Majesty's Subjects And therefore since you think this Law so absolutely necessary at this Juncture, if you desire it we shall not refuse a Conferrence with you concerning it. This Board not having any Objections to the easing the good People but being desirous to supply some Deficiencies and obviate other Inconveniences therein which we were unwilling to enter upon this Session expecting the Arrival of a Governor in Chief in a short Time who we cannot but believe will be more fully instructed in her Majesty's good Pleasure towards her Subjects here than the Hon̄ble President at present is of which you might allow us to be more competent Judges than your House.

Signed ꝑ Order Wm Bladen Cl. Council

Which being read and debated Resolved the House will still insist upon the passing the Act and that a Conferrence be desired with the Hon̄ble Council and ordered the following Message be sent for that Purpose

By the House of Delegates
5th Nov. 1712

In Reply to your Message this Day by the Hon̄ble Col° Holland and three other Members of your Board, this House

say they know of no Reflections or want of Judgment in their Message and cannot recede from their opinion but that this Bill is of absolute Necessity; and to cultivate the good Opinion you desire between your Board and this House request the Conferrence you are willing to agree to and have appointed the several Members that went on the last Conferrence to confer with the Members of your Board to Morrow Morning at Eleven O'Clock at Mr Dodd's if your Honours think fit L. H. J. Lib. 41

Signed p Order Richd Dallam Cl. Ho. Del.

Sent up to the Council by Mr Hoskins, Mr Leach, Mr James Mackall, Mr Garrett, Mr John Mackall, Mr Lockerman, Mr Woolford, and Mr Clagett

They return and say they delivered their Message.

Upon the Report of Mr Tyler from the Committee of Aggrievances Resolved That a Bill be brought in to impower the Sheriffs upon Receipt of any Writs of Fieri facias or Attachment to swear two indifferent Persons who are neither of Kin to the Pltff or Defdt. to appraise the Goods seized and if no Buyers offer in a little Time to deliver them at such Appraisment to the Creditors in Satisfaction of the Debt and to oblige the Creditors to accept the same which will prevent the Ruin of many Men's Estates especially such as are in the Hands of Executors or Administrators p. 349

Also Resolved upon the Report from the said Committee That a Bill be brought in to prevent the dilatory Proceedings as well in the Provincial as in the County Courts by obliging the Practitioners and others to be ready for Tryal and to allow any Person that will to take out Writs in their own Names and to confess Judgments in their own proper Persons and that no Attorney demand or receive his ffee before the final End of the Cause he is retained in.

Mr Tyler also reports from the said Committee an Aggrievance relating to the Gauge of Tobacco Hhds Read and Resolved it be considered of to Morrow Morning in a full House

The Papers brought into the House relating to Baltimore County Court House. Read and debated. Mr Richard Colegate and Mr William Talbot and several Gentlemen of that County having Leave appeared in the House and were heard therein and being withdrawn the House Nemine contradicente Resolved That a Bill be brought in to settle the Court of that County at the Town of Joppa in the new Court House there built and for settling that Court House on the County and to continue all Process & Proceedings of that Court Resolved

L. H. J. Lib. 41 Col° Maxwell lay before this House the Agreement made with the Justices of Baltimore County for building the Court House, and that in the mean Time the Justices of that County forbear to levy any more Tobacco on that Account

Thomas Hollingsworth's Petition referred from last Session Read, and Col° Tilghman again examined and Resolved Leave be given to bring in a Bill as prayed.

Henry Hendrickson's Petition Read and by the House rejected.

Moved that a Bill be brought in for encouraging the killing and destroying of Squirrels Debated and put to the Question whether a Bill be brought in or not? Resolved in the Affirmative and that a Reward of four Pounds of Tobacco p Squirrel be levied on the County therefor and that the Committee of Laws prepare and bring in the Bill

Resolved a Message be sent to the Council on the Debates of this House relating to Baltimore County Court House Viz.

By the House of Delegates
5th November 1712

This House have Resolved to settle Baltimore County Court at the new Court House at Joppa, and have ordered Col° Maxwell to lay before them the Agreement made with the Justices of that County for building that Court House and that in the mean Time the Justices of that County forbear to levy any more Tobacco on that Account to which they desire the Concurrence of the Hon̄ble Council

Signed p Order Richd Dallam Cl. Ho. Del.

Sent up to the Council by Mr Mariartee and Mr Hill.

They return and say they delivered their Message

The House adjourned till to Morrow Morning Nine O'Clock.

Thursday 6th Nov. 1712

The House met according to Adjournment. Being called over were all present as yesterday.

Read what was done yesterday

p. 350 Ambrose Nelson's Petition Read praying Leave to bring in a Bill for his Naturalization

Resolved Leave be given to bring in a Bill as prayed.

The Hon̄ble Thomas Addison and John Dorsey Esq^rs enter the House and deliver Mr Speaker the following Message.

L. H. J.
Lib. 41

By the Council in Assembly
Nov. 5th 1712

This Board having considered the Report from the Conferrence concerning Appeals and Writs of Error they do agree to the first Part thereof relating to the Courts of Common Law but desire that Part relating to Appeals from the Courts of Chancery may be omitted no Appeals lying from the Court of Chancery here to the Court of Chancery in Great Britain nor any Appeals to her Majesty in Council but where the Thing in Controversy exceeds three hundred Pounds Sterl. Wherefore such Clause will not only be needless but of different Nature to the Title of the Law proposed

Signed by Order W Bladen Cl. Council

Upon reading the aforegoing Message from the Hon̄ble Council the House concur with the Hon̄ble Council's Desire therein and Resolved the Committee of Laws prepare & bring in a Bill accordingly

John Roger's Petition referred from last Session again read. John Courts the Heir at Law to Col° Courts in the Petition named appearing at the Bar made no Objections but prayed also that a Bill might be brought in to confirm Col° Courts his Will Debated & Resolved Nemine contradicente That a Bill be brought in as prayed. Which Bill being ready the Pet^rs delivered the same to Mr Speaker.

Bill confirming Col° Courts his Will by especial Order read the first and second Times and will pass. Sent up to the Hon̄ble Council by Mr Hoskins, Mr Story, M^r ffendall & Mr Sprigg. They return & say they delivered the Bill

The Hon̄ble Col° Greenberry enters the House and delivers Mr Speaker the following Message

By the Council in Assembly
Nov. 6th 1712

This Board have appointed the Hon̄ble Col° Charles Greenberry, John Hall Esqr Col° Thomas Addison and Col° Richard Tilghman to confer with the Conferrees from your House, concerning the Law relieving the Inhabitants of this Province from some Aggrievances they lye under, and the said Gentlemen are ready to join with yours at the Time & place desired.

Signed p Order W Bladen Cl. Council

Upon reading the above Message ordered the Gentlemen appointed Conferrees go out thereon.

L. H. J. Lib. 41 Resolved a Message be sent to the Council concerning the Assembly Office &ta Viz.

By the House of Delegates
6th Nov. 1712

This House having taken Care to fit up several offices in the Stadt House and upon viewing the same find the Room allotted for the Assembly Office to be ill convenient and considering the Largeness of the Room allotted for the Council Office presume it may be sufficient also for the Naval Office therefore are of Opinion the Room formerly allotted for the Naval Office be now appointed for the Assembly Office and the Pidgeon Holes Desks &ta put in the Assembly Office may be removed into the Chancery Office which is yet unfurnished and the Door of the Assembly Office be quite taken away which will give more Light into the Passage to all the upper Rooms in the Stadt House and desire the Hon̄ble President and Council will concur with them in ordaining the same.

Signed p Order Richd Dallam Cl. Ho. Del.

Sent up to the Hon̄ble Council by Captain Jones and Capt. Ennalls

They return and say they delivered their Message.

p. 351 The Hon̄ble Colo Whittington enters the House and delivers Mr Speaker the Message sent from this House relating to Baltimore County Indorsed—

By the Council in Assembly
Eodem Die

This Board concur with the above Resolve of the House of Delegates.

Signed p Order W Bladen Cl Council.

Ordered Mr James Lloyd and Mr Sprigg attend the Hon̄ble Council to see Samuel Young Esqr prove his Treasurers Accounts.

They return and say they saw him sworn thereto

Henry Acton's Petition read praying Leave to bring in a Bill to help the neglect of the Clerk of Charles County not recording a Deed from Gilbert Clarke deceased to Walter Beane decēd and referred to the Committee of Laws to examine the Pretensions and report their Opinion therein to the House.

Petition against Ordinary Keepers entertaining Sailors Indorsed

By the Council in Assembly
Novr 4th 1712

L. H. J.
Lib. 41

This Petition is recommended to the House of Delegates.
Sign'd p Ord^{r} W Bladen Cl. Co.

6th Nov. 1712

Read in the House and Resolved the Committee of Laws prepare and bring in a Bill to remedy the Aggrievance complained of in the Petition and that a Clause be inserted in such Bill that no Custom House Officer, Sheriff or Clerk or any of their Deputies live in or keep his Office in an Ordinary or keep Ordinary himself.

Signed p Ord^{r} R. Dallam Cl. Ho. Del.

The Hon̄ble John Dorsey Esqr enters the House and delivers Mr Speaker a Petition of Mr Colegate, Mr Hammond, Mr Talbot and Mr Stevenson Recommended from the Hon̄ble Council

Which being read and debated is by the House rejected.

Mr William Bladen's Request praying an Allowance for Paper, Wax, Wafers, Pens &^{ta} used as Clerk of the Council since the year 1704 Read and by the House rejected.

The Hon̄ble Col^{o} Whittington enters the House and delivers Mr Speaker the following Message & several Papers relating thereto.

By the President and Council in Assembly
Novr 6th 1712

The Hon̄ble President and this Board observing how frequently the publick Arms are destroyed and imbezzled as also the Ammunition sold or otherwise decayed so that it often happens not to be fit for Service and that thro' the Mismanagement in the keeping and preserving the same and especially that both the Arms and Ammunition are liable to many unforeseen Casualties upon the Death of the Commander in Chief of any County where the same are lodged as may appear by the Petition and Depositions herewith sent you we cannot but think it highly worthy the Consideration of this General Assembly to appoint a twelve ffoot House near the County Court Houses in each respective County wherein to lodge the Arms and Ammunition belonging to each County so that they may be more easily viewed (as well by the Justices of the County Courts if they see fit) as also the Commander in Chief of each respective County which

L. H. J. Lib. 41 will be the best Means we can propose not only for the Security and Preservation of the said Arms and Ammunition but also will be a means to keep them well fixed and fit for the Country Service.

Signed p Order W Bladen Cl. Council.

Upon reading the aforesaid Message the House took the same into Consideration and having debated it put the Question whether such Magazine Houses are convenient & necessary to be built or not? It passed in the Negative And Resolved the Arms and Ammunition continue in the Officers Hands as they now are until next Session of Assembly.

Resolved upon reading the Complaint of the Inhabitants of Charles County and the Depositions relating thereto That Mr Philemon Hemsley and Mary his Wife Relict and Executrix of Colo John Contee late of Charles County deceased,
p. 352 appear before this House at their first meeting the next Session of Assembly and lay before this House an Account of what Arms & Ammunition were lodged in the Hands of the said Colo Contee belonging to the Public and how the same is disposed of

Resolved That an Order issue to Colo Robert ffinley Commissary of the Arms, Commanding him to lay before this House at their first Meeting the next Session of Assembly what Arms & Ammunition the late Governor or himself allotted for Charles County & into whose Custody the same was committed.

The House adjourned till to Morrow Morning nine O'Clock

Friday 7th Novr 1712.

The House met according to Adjournment Being called over were all present as Yesterday.

Read what was done Yesterday

Sir Thomas Johnson's Petition praying Leave to bring in a Bill to supply the Defect of the Acknowledgment of a Deed made to him by Edward Hancox deceased. Read and Leave given to bring in a Bill as prayed

Bill reviving the Act ascertaining the Height of ffences and restraining Horse Rangers. By especial Order Read the first and second Times and will pass.

Bill against striking ffish &ta Read the third Time and will pass

Bill for killing Squirrels by special Order read the first and second Times & will pass

Resolved a Message be sent to the Council on the Debates of the House Yesterday relating to Magazine Houses &ta as followeth. L. H. J. Lib. 41

By the House of Delegates
7th Novr 1712

Upon Receipt of your Message yesterday relating to the Arms and Ammunition and building Magazine Houses in each County this House took the same into Consideration and maturely debated the same and upon the Question put whether such Houses were necessary or convenient to be built or not? It past in the Negative. The House thereupon Resolved That the Arms and Ammunition remain in the Hands of the several Commanders in each County to whom the same hath been committed until the next Session of Assembly

This House have also ordered that Mr Philemon Hemsley who intermarried with Colo Contee's Widow shall the next Session of Assembly lay before this House an Account of what Arms and Ammunition were lodged in Colo Contees Hands for the Use of the Public and how the same have been since disposed of.

Signed p Order Richd Dallam Cl. Ho. Del.

The aforesaid three Bills and Message sent up to the Hon̄ble Council by Mr Lloyd, Mr Garrett, Mr Mariartee & Mr Lockerman.

They return & say they delivered the Bills & Message

Bill confirming the Probat of John Harrison's Will Read the first & second Times by special Order and will pass.

Bill making good and valid in Law a Deed of Bargain and Sale from Colo Ninian Beall to Michael Ashford. Read the first & second Times by special Order & will pass.

Bill confirming a Lease made by Robert Smith Esqr to Matthew Mason by Special Order Read the first and second Times and will pass

These three last Bills sent up to the Council by Mr John Purnell & Mr Story.

They return and say they delivered the Bills

Bill for regulating Writs of Error and granting Appeals Read the first Time and ordered a second Reading

Bill for Naturalization of Peter Overard, Joseph Chrismond, and Daniel Packett and Ambrose Nelson Read the first and second Times by special Order and will pass.

L. H. J. Lib. 41 This Bill sent up to the Council by Mr Storey and Mr Hammond

They return and say they delivered the Bill.

p. 353 The Conferrees enter the House and report they cannot agree in the Methods proposed for reviving the Act for relieving some Aggrievances. Thereupon Resolved by the House That the Hon̄ble President be addressed to consent to the revising of that Act it being of absolute Necessity to be done at this Time.

The Hon̄ble Mr Secretary Lloyd enters the House & delivers Mr Speaker the following Bills

Bill ascertaining the Height of ffences &ta

Bill for killing Squirrels

Bill confirming the Probat of John Harrison's Will.

Bill against striking ffish &ta

Bill for Naturalization of Peter Overard and others.

Bill for making valid and effectual in Law a Deed made by Colo Beale to Michael Ashford All severally indorsed

By the Council in Assembly
Eod. Die

Read the first and second Times in Council and will pass
Signed p Order W Bladen Cl. Council

All the said Bills read again in the House and past for ingrossing

The Hon̄ble Colo Greenberry, and Colo Addison enter the House and deliver Mr Speaker Bill confirming Colo Courts his Will Indorsed,

By the Council in Assembly
Novr 7th 1712

Read the first and second Times and will pass
Signed p Order W Bladen Cl. Council.

Read again in the House and past for ingrossing

Bill for regulating Writs of Error and granting Appeals, Read again and indorsed—

By the House of Delegates
7th Nov. 1712.

Read the second Time by special Order (and the House

desire the Proviso in the Paper may be added) if not will pass without L. H. J. Lib. 41

Signed p Order. Rich[d] Dallam Cl. Ho. Del.

The Ordinance relating to Baltimore County Read and indorsed

Nov[r] 7th 1712.

Read & assented to by the House of Delegates and

Signed p Order Richard Dallam Cl. Ho. Del.

Ordered the said Ordinance be affixed to the End of the Journal.

The last Bill and Ordinance sent up to the Hon̄ble Council by M[r] Sprigg, M[r] Broome, M[r] James Mackall and M[r] Lockerman.

They return and say they delivered the Bill & Ordinance

The House adjourned till to Morrow Morning Nine O'Clock.

Saturday 8th Nov. 1712.

The House met again according to Adjournment Being called over were all present as yesterday expect M[r] Worthington who is sick.

Read what was done yesterday.

The Address ordered to be prepared yesterday brought into the House, Read, approved, and ordered to be entered as follows

To the Hon̄ble Edward Lloyd Esq. President of her Majesty's Hon̄ble Council of Maryland and Commander in Chief thereof.

We the Deputies and Delegates of the said Province now in Assembly convened, in most dutiful and humble Manner crave Leave to lay before your Honour the great Grief and Affliction that possesses us in finding the Conferrence between the Members of her Majesty's Hon̄ble Council and the Members of this House break up without making a final End and Conclusion of the Matter to them referred in the Article for limiting the Jurisdiction of the Provincial Court in small Sums, we cannot impute the Reason thereof to any Thing but a constant Resolution in her Majesty's Hon̄ble Council not to concur with any Thing that seemingly touches her most Sacred Majesty's Royal Prerogative (which they are obliged to maintain and) which this House never design to retrench or infringe

L. H. J. Lib. 41 p. 354

knowing your Honour ever since your taking upon you the Government here to be thereof very careful and tender. But the deplorable and sad Condition her Majesty's good Subjects of this Province would lye under should this present Session of Assembly end without revising the Act for relieving some Aggrievances makes us now address your Honour for Relief therein. We are very sensible her Majesty has restricted your Hon^{r} from passing any Bills of Moment unless of absolute necessity for the Welfare Peace and Tranquility of this Province in the Absence of a Capt General and most humbly desire your Honour to extend as favourable a Construction thereto as possibly you can assuring your Honour if any other Expediency could be found to quiet the Minds and satisfy the Inhabitants of this Province this House would not insist thereon at this Time and if your Honour please to grant that this or some other Bill of like Nature may pass this Session and to continue only to the End of the first Session of Assembly after the Arrival of a Capt. General we hope the same will not be taken as an Infringement on her Majesty's Royal Prerogative protesting to your Hon^{r} that it's not only the Sense of this House but of the Province in General that if this Act should now expire without making another of the like Nature it will be impossible for a great many of her Majesty's good Subjects to continue their Abodes here but must remove to some other Place of less Benefit to the Crown of Great Britain and others whose Lives and ffortunes have been made desperate by their unhappy Losses and Decay of Trade during the War will return to the same way of Living they used before the making the said Act by sculking in the Woods and riding armed to resist the Officers of Justice and thereby greatly disturb the Peace and Tranquility of the Province In tender Compassion whereof we desire your Honours most favourable and Timely Answer which will not only prevent the aforesaid Evil Consequences but a very great Burthen & Charge to the Province

Signed p Order of the House of Delegates
8th Nov. 1712. p Richd Dallam Cl. Ho. Del.

Sent up to the Hon̄ble President by Mr Garrett, Mr Greenfield, Mr Jowles, Mr Scott, Mr Codd, Mr Jones, Mr Hill, Mr Woolford, Mr Hammond, Mr John Mackall, Mr Leach, Mr Hoskins, Mr Storey, Mr Ward, Mr Lloyd, Mr William Whittington, Mr Ennalls, Mr Thomas Purnell, M^{r} ffrisby, Mr Pearce, Mr Tyler, Mr Sprigg, Mr Solomon Wright, Mr John Wells and Mr Daniel Mariartee.

They return and say they delivered the same

Committee of Aggrievances enter the House and deliver L. H. J. Lib. 41
Mr Speaker their Report as followeth

By the Committee of Aggrievances
Novr 6th 1712

It is humbly offered by this Committee as an Aggrievance that the Country receives no Benefit by the Duties paid for the Maintenance of the ffree School and they pray the House to consider whether the present Governors and Visitors of the ffree School apply the Money arising by Virtue of such Duties according to the Act for that Purpose made and whether the said Governors and Visitors have any Right thereto.

Resolved it is an Aggrievance and that the Country hath never yet received any Benefit thereby and Ordered That the Governors and Visitors of the ffree School do the next Session of Assembly lay before this House an exact and true Account of what Money hath been raised for the use of the ffree School and how they have disposed of the same, and by what Authority they take and receive the same, that this House may then further consider thereof and that the said Governors and Visitors then appear &ta

And it is further offered by this Committee as an Aggrievance that the long and tedious Way prescribed by the Act for Attachments and the great and extravagant Charges thereof before an Attachment can be obtained against any Person that leaves the Province or otherwise not to be found doth not answer the Intent and Design of the said Act P. 355

Resolved the House concur with the Committee that it is an Aggrievance and that they will the next Session of Assembly consider of the Means to redress the same

And it is further offered by this Committee as an Aggrievance that no Care is taken for the Payment of the Charge and Expences of such Jurors, Evidences and other poor Persons as are obliged to attend the Provincial Court, ready Money being the only Thing that the Ordinary Keepers will accomodate them for, and that being not to be had, occasions them to want such Accomodations as are necessary at their Attendance on the said Court

Resolved the House will the next Session of Assembly consider of the means to redress this Aggrievance.

And it is further offered by this Committee as an Aggrievance that there is no Act of Assembly of this Province that declares which of the Statutes of England are in fforce here it being now left to the Discretion of the Justices of the several Courts to admit or deny them whereby it comes to

L. H. J. Lib. 41 pass that an Act of Parliament allowed of in one Court is denied in the next by which Means her Majesty's Subjects know not what Acts of Parliament they transgress or what are for their Relief

Resolved it is highly necessary that a Bill should pass to declare which of the Statutes of England are necessary to be in force here and referred to the Consideration of the next Session of Assembly.

And it is further offered by this Committee as an Aggrievance that the Act for Probat of Wills and granting Administrations &ta is so dark and obscure in several Particulars that it answers not the Intent and Design thereof, and particularly in the Paragraph for Payment of Debts due in the Country before Debts due to Foreigners

Resolved the said Act wants several Amendments and that Debts due to fforeigners of a higher Nature ought to be paid before Debts of an inferior Nature due to the Inhabitants and referred to the Consideration of the next Session of Assembly

It is further offered by this Committee as an Aggrievance and Discouragement to the Inhabitants of this Province that the Exportation of Neats Hydes and old Iron should be allowed of. Resolved this is an Aggrievance and that a Bill be brought in this Session to prohibit the Exportation of Neats Hydes and old Iron.

And it is further offered by this Committee as an Aggrievance to the Inhabitants of Saint Mary's County, that some of the Justices of that County have given Liberty to one Michael Wellman to build a Tipling House and sell Liquors on the Court House Lott very near the same which is much to the Dissatisfaction of the Inhabitants of the said County and very dangerous if set on ffire.

Resolved it is an Aggrievance and that an Order issue to the Justices of Saint Mary's County to suppress and remove the said victualling or Tipling House and they permit not the like for the future.

And it is further offered by this Committee as an Aggrievance that Negroes transgressing any Law that touches Life or Member should lye long in Prison after the committing the ffact and until a Provincial Court which runs the Country to a vast Charge and that the Owners of such Negroes endeav-
p. 356 our to keep them from suffering being their proper Estate. All which might be remedied if the Justices of each County had Power to try all such Negroes, and that all negroes that should be executed the Public should make Satisfaction for to the Owners and that no Negroes should be allowed to

travel and gather together in Companies to the Terror of the good People of this Province and if not prevented will be of great Abuse to the Country L. H. J. Lib. 41

Resolved it be referred to the Consideration of the next Session of Assembly.

It is further offered by this Committee as an Aggrievance that the Act for superseding Executions as it now stands since the Alteration of the Commission of the Justices of the Provincial Court doth not answer the End and Intent of the Makers thereof for that no Person against whom a Judgment is rendered in the Provincial Court can now have any Benefit of that Act without going before a Justice of that Court, Whereas at the Time of making the said Act there was a Justice of the Provincial Court in each County, but now there is not, and this Committee humbly propose that if the President or two of the Justices of the County Court were impowered to grant a Supersedeas after the tenth of May on any Execution issued on a Judgment rendered in the Provincial Court it would remedy the said Aggrievance

Resolved a Bill be brought in this Session to remedy the said Aggrievance according to the Report of the Committee.

Moved by a Member of this House that the Lord Baltimore be addressed to consent that the Rents of Lands may be paid to his Heirs and Successors in Tobacco at two Pence ꝑ lb. as they are now paid to his Lordship and that the twelve Pence ꝑ Hhd on Tobacco be settled on them as it now is paid him as an Equivalent for the Rents.

Debated and put to the Question whether such an Address be made or not? Resolved in the Affirmative

Bill making good and valid in Law a Deed or Conveyance made by Edward Hancox deceased to Sr Thomas Johnson Read the first and second Times by special Order & will pass.

Bill reinvesting Seward's Heirs into Land with the Indorsment of the former Session of Assembly. Read and indorsed,

By the House of Delegates
8th Nov. 1712

Read again in the House and will pass.

R. Dallam Cl. Ho. Del.

These two Bills sent up to the Hon̄ble Council by Mr Robins, Mr Brooke, Mr Docwra & Mr Watts

They return and say they delivered the Bills

The Hon̄ble Col^{o} Addison enters the House and delivers

L. H. J. Lib. 41 Mr Speaker Bill for regulating writs of Error and granting Appeals Indorsed—

By the Council in Assembly
Nov. 8th 1712

This Bill being read at the Board Resolved it do pass without the last Proviso annexed thereto

Signed p Order W Bladen Cl. Council

Read again in the House, and without the Proviso and past for ingrossing.

Richard Walkers Petition praying Relief against the unjust Dealing of his deceased Brother, Flower Walker, Read and indorsed—

By the House of Delegates
8th Nov. 1712

The within Petition read and debated and Mr Charles Wright affirmed in the House that he well remembers that Flower Walker told him he bought the Land with his Brother's Money and seated it for his the Petitioners use

Thereupon resolved Leave be given to bring in a Bill next Session of Assembly upon making good the Allegations and giving Notice to Flower Walker's widow then to appear and shew Cause if any she hath why the same should not be granted

Signed p Order Richd Dallam Cl. Ho. Del.

p. 357 The Honble Colo Greenberry, Colo Addison, Colo Tilghman, John Hall and John Dorsey Esqr enter the House and deliver Mr Speaker the following Message

By the Honble President and Council in Assembly
Novr 8th 1712

The Honble President having communicated to us your Address to him for revising the Law for relieving the Inhabitants of this Province from some Aggrievances they lye under and our Sentiments agreeing with yours that in Case such a Law is not now past many good Planters will desert their Abodes and others to avoid Imprisonment will be induced to resist Justice and sculk in the Woods whereby the Happy Peace and Tranquility of this Province may be endangered we have been inclined to advise his Honour to consent to the

revising the said Law for the Time proposed purely to avoid the Mischiefs aforesaid to which he is pleased to give way L. H. J. Lib. 41

Signed p Order W Bladen Cl Council

Read and Resolved the said Act be revised.

The House adjourned till Monday Morning nine O'Clock.

Monday 10th Nov. 1712

The House met according to Adjournment Being called over were all present as on Saturday & Mr Worthington enters the House

Read what was done on Saturday.

Resolved upon a Motion made by a Member of this House that a Bill be brought in for the more effectual suppressing the Crimes of Adultery and ffornication & cohabiting together of lewd and wicked Persons

The Honble Samuel Young Esq. enters the House and delivers Mr Speaker Bill making good and valid a Deed or Conveyance made by Edward Hancox to Sr Thomas Johnson Indorsed—

By the Council in Assembly
Eodem Die.

Read the first and second Times and will pass.

Signed p Order W Bladen Cl. Council

Read again in the House and past for ingrossing

Henry Acton's Petition with the Report of the Committee of Laws thereon Read and referred till next Session of Assembly & that Gilbert Clark's Heirs have then Notice to appear

Ordered the ingrossed Bills be read Viz.

Bill reviving the Act for imposing three Pence p Hogshead on Tobacco towards defraying the Charge of the Province.

Bill reviving the Act imposing three Pence p Gallon on Rum, Wine, Brandy and Spirits and twenty Shillings p Head on Negroes and Irish Servants

Bill confirming the Probat of John Harrison's Will

Supplementary Act to the Act for appointing Constables & declaring what Persons are Taxables

Bill for reviving the Act for Encouragement of Tillage and Relief of poor Debtors

Bill confirming unto ffrancis Sherwood & his Heirs an Estate in ffee simple of in and to certain Lands

L. H. J. Lib. 41 The aforesaid six ingrossed Bills Read and severally indorsed

10th Nov. 1712

Read and assented to by the House of Delegates and
Signed p Order Richd Dallam Cl. Ho. Del.

John Cole's Petition with the Report of the Committee of Laws thereon Read and referred for further Consideration next Session of Assembly

Ingrossed Bill ascertaining the Height of ffences &ta

p. 358 Ingrossed Bill for killing Squirrels.

Ingrossed Bill against striking several Sorts of ffish

Ingrossed Bill for Naturalization of Peter Overard and others all read & severally Indorsed

10th Nov. 1712

Read and assented to by the House of Delegates &
Signed p order Richd Dallam Cl. Ho. Del.

These ten ingrossed Bills sent up to the Hon̄ble Council for their Assent by Mr Lloyd Mr Lockerman Mr Jones and Mr Hammond.

They return and say they delivered the Bills

Bill for investing Margaret Hollingsworth and Katharine Wells with an Estate in ffee of certain Lands Read the first and second Times by especial Order and will pass.

Sent up to the Honble Council by Mr Solomon Wright and Mr John Whittington

They return and say they delivered the Bill

The Hon̄ble Colo Whittington and John Hall Esq. enter the House and deliver Mr Speaker the following Message and the Bill therein mentioned

By the Hon̄ble President and Council in Assembly
Nov. 10th 1712

The Hon̄ble President and this Board being thoroughly sensible that many great Disorders are committed by Indians when in Drink and of the too frequent ill Practice of Persons selling them great Quantities of Liquors and also that some evil People have not been wanting to raise utter and spread sundry false Reports tending to create Misunderstandings and Jealousies between us and them, we have thought fit therefore to recommend the Bill herewith sent you for prevent-

ing thereof. Further we have thought it expedient to send some worthy discreet Persons to the several Nations of the Indians to caution them to advise their Indians of the Penalties our Laws inflict upon several Breaches they have made thereof and may hereafter be guilty of and that we expect the Offenders should be delivered up to Justice upon any just Complaint against them for any ffelonies, Larceny's, Menaces, Batterys or the like Misdemeanors by them committed which we hope will be a Means to keep them in good Order L. H. J. Lib. 41

Signed p Order W Bladen Cl. Council.

Upon reading this Message Resolved it be considered of to Morrow.

Bill restraining the Inhabitants from selling Quantities of Liquors to the Indians and from raising false Reports and Rumours relating to the Indians Indorsed

By the Council in Assembly
Novr 10th 1712

Read at the Board the first and second Times and will pass
Signed p Order W Bladen Cl. Council

Eodem Die

Read in the House the first Time and ordered a second Reading to Morrow Morning
Richd Dallam Clk. Ho. Del.

The Honble Samuel Young Esqr and John Dorsey Esqr enter the House and deliver Mr Speaker the first six ingrossed Bills sent up this Day severally indorsed

Nov. 10th 1712

Read & assented to by her Majesty's Honble Council in Assembly &
Signed p Order W Bladen Cl. Council

The Honble Col^{o} Greenfield enters the House and delivers Mr Speaker Bill investing Mag^{t} Hollingsworth and Katharine Wells with an Estate in ffee in certain Lands Indorsed

Eodem Die

Read in Council the first & second Times and will pass.
W Bladen Cl. Council

L. H. J. Lib. 41 The Honble Col° Addison and Col° Tilghman enter the House and deliver Mr Speaker the four last ingrossed Bills sent up this Day severally indorsed

Novr 10th 1712

Read and assented to by her Majesty's Honble Council in Assembly and

Signed p Order W Bladen Cl. Council.

Ordered the following Message be sent to the Council.

p. 359 By the House of Delegates
10th November 1712

It being moved in this House it will be for the Good of the Province that the Lord Proprietary be moved to accept of the Rents in Tobacco at two Pence per Pound and the twelve Pence p Hogshead be given him as it now is for the Life of his Successors, this House desire to know your Honours Sentiments therein

Signed p Order Richd Dallam Cl. Ho. Del.

John Hall Esqr enters the House and delivers Mr Speaker Baltimore County Ordinance assented to by the Honble Council

The Message about the Rents sent up to the Council by Mr Tyler, Mr Ennalls, Mr Hill, Mr Codd, Mr Clagett, and Mr John Purnell, who say they delivered it

Bill prohibiting the Exportation of Neats Hydes and old Iron Read the first & second Times by special Order and will pass.

Sent up to the Council by Mr Docwra and Mr Charles Wright

They return and say they delivered the same

Bill for Naturalization of Samuel Guichard of Ann Arundel County Read the first & second Times by Special Order and will pass.

Sent up to the Council by Mr Jones & Mr Hill.

They return and say they delivered the Bill

The House adjourned till to Morrow Morning Nine O'Clock

Tuesday 11th November 1712

The House met according to Adjournment. Being called over were all present as Yesterday.

Read what was done Yesterday.

The Message and Bill relating to the Indians brought Yesterday from the Council Read and debated and ordered to be answered as followeth L. H. J. Lib. 41

By the House of Delegates
11th Nov. 1712

We have considered and debated the Message and Bill sent from your Honble Board yesterday by Colo Whittington and John Hall Esqr relating to the Indians but not being satisfied of the Reasons inducing your Honours to recommend that Bill as it is drawn and taking the same to be of no great Concernment and being willing to shew due Respect to what comes from your Honble Board have thought it reasonable to agree to the Bill first Paragraph thereof with these Amendments Viz.

For Recovery of the Penalty in any County Court of this Province and that it may be to the Use of the County. But as to last Paragraph thereof relating to false Rumours we think it may be wholly rejected for that it will be of ill Consequence and we are willing a Clause should be added to prohibit any Inhabitants from trusting any Indian for any Liquors or taking any Pawn from them for any Debt and buying their Guns Matchcoats &ta on Pain of returning them and losing their Debts upon which Amendments we are willing to agree to the Bill. We concur with you it is necessary the Indians be acquainted with the Penalties our Laws inflict on the Breaches of them in such manner as you prescribe.

Signed p Order Richd Dallam Cl. Ho. Del.

Sent up with the Bill to the Honble Council by Mr Lloyd, Mr ffrisby, M 'Sprigg, Mr Story Mr Brooke and Mr Clegatt.

They return and say they delivered the Message and Bill

The Honble Colo Tilghman enters the House and delivers Mr Speaker Bill for Naturalization of Samuel Guichard Indorsed

10th Nov. 1712.

Read the the first and second Times & will pass

W Bladen Cl. Council.

Bill prohibiting the Exportation of Hydes and Old Iron Read and some Amendmts proposed by the Council agreed to by the House. p. 360

Bill restraining Ordinary Keepers from entertaining Sailors Read the first and second Times by special Order and will pass.

L. H. J. Lib. 41 Supplementary Bill to the Act for Stay of Executions Read the first and second Times by Special Order and will pass

Bill prohibiting the Exportation of Hydes & Old Iron, Amended, Read & Indorsed will pass

Bill settling Baltimore County Court at the Town of Joppa Read the first and second Times by special Order and will pass.

Bill relieving the Inhabitants of this Province from some Aggrievances they lye under in Prosecution of Suits in Law by special Order Read the first & second Times & will pass

Bill restraining the ill Practice of Sheriffs in executing Writs of Fieri facias &ta

Read the first and second Times by Special Order and will pass.

These six Bills sent up to the Council by Mr Garrett, Mr Tyler, Mr John Mackall, Mr Hoskins, Mr Sprigg, Mr Lloyd, Mr Ennalls, Mr Woolford, Mr Frisby and Mr Scott

They return and say they delivered the Bills.

Ordered Mr Garrett and Mr Docwra agree with a Workman to amend and clean the Glass Windows of the Stadt House & take Care to have it well done by the first Day of April next.

The Honble Colo Whittington, Colo Greenberry, and John Dorsey Esq. enter the House and deliver Mr Speaker the Bill relating to the Indians and the following Message.

By the Council in Assembly
Nov. 11th 1712.

On Consideration of your Message this Day by Mr James Lloyd and five others relating to the Bill by us proposed for restraining the Inhabitants of this Province from selling any Quantity of Strong Liquors to the Indians and to prevent false Rumours inciting Differences between them and her Majesty's Subjects of this Province we concur with your House and have agreed to the Amendments of the first Part thereof. And as to the second Part of the said Bill we had Reason to believe the Gentl. Members of your House representing Dor and Somerset Counties had not been wanting to inform you what had lately happened in their Counties relating to the Nanticoke Indians and what wicked and pernicious, tho' groundless Stories were raised on that Occasion by ill designing Persons to create a Misunderstanding between us and the Indians wherefore seeing the false Rumours and Reports designed to be punished are solely circumscribed to those tending to create Differences between them and us we cannot

apprehend any evil Consequences but good Effects therefrom If you think the Penalty too great you may apportion it suitable to the Offence. As to the Clause you propose to inhibit her Majesty's Subjects from trusting the Indians or taking any Pawn from them we readily agree thereto. L. H. J. Lib. 41

Signed p Order W Bladen Cl. Council.

Committee of Accounts enter the House and deliver Mr Speaker their Journal

The Journal read and assented to by the House and sent up to the Honble Council for their Assent by Mr Leach and Mr Hill.

They return and say they delivered the Journal

Upon reading and debating the Message and Bill relating to the Indians Put to the Question whether the Bill pass as amended by the Council. It passed in the Negative. And Resolved That the second Paragraph be amended by leaving out the Penalties of Imprisonment and by making the ffine five hundred Pounds of Tobacco and that if any Person hear any news relating to any Difference between the English and Indians or among the Indians themselves he shall inform the next Justice of Peace or the Commander in Chief of the Militia in the County thereof on Oath p. 361

The House adjourned for an Hour.

Eodem Die

The House met again according to Adjt Called over and all present as before

Resolved a Message be prepared and sent to the Council on the Debates of the House this Day relating to the Indians as followeth

By the House of Delegates
November 11th 1712

Upon reading the Bill and Message last sent from your Honours relating to the Indians this House debated the same and came to the following Resolutions

The Question being put whether the Bill pass as amended by your Honours, it past in the Negative, and Resolved the second Paragraph be amended, by making the same to oblige any Person that shall know of any Difference between the English & Indians or among the Indians themselves to disclose the same to some Justice of Peace or the Commander in Chief of the Militia in the County where the Indians are, and to no other Person on Penalty of forfeiting five hundred Pounds of Tobacco which we conceive will fully prevent any false News

L. H. J. Lib. 41 or Rumours and not run her Majesty's Subjects into so many ill Conveniences as the Paragraph, as it is now drawn will If your Hon^rs agree to this Amendment the Bill will pass.

Sign'd p Ord^r R. Dallam Cl. Ho. Del.

Bill reinvesting Seward's Heirs into a certain Tract of Land. Indorsed—

By the Council in Assembly
Nov. 8th 1712.

It is conceived that the above Indorsment is no Ways Parliamentary this not being the next Session of that Assembly to which the Bill was referred but another Assembly, the Difference between an Adjournment and Prorogation is so well known that it needs no more than instancing that this is much more Viz. a New Assembly and in this Case should this Bill be indorsed in like Manner by this Board and past into a Law it would be debated, ordained and Enacted by two different Assemblies which must certainly be very irregular

Signed p Order W Bladen Cl. Council.

Upon reading and debating this Bill and aforesaid Indorsment and hearing the Petitioners Council on the same, Resolved Nemine Contradicente That the Indorsment of this House on the Bill is not irregular but Parliamentary and that they will proceed to the passing the said Bill, And ordered a Message be prepared to send to the Honble Council to Morrow Morning

Ingrossed Bill making good and valid in Law a Deed of Bargain and Sale made by Col° Beall to Michael Ashford.

Ingrossed Bill regulating Writs of Error and granting Appeals.

Both these Bills Read and severally indorsed

11th Nov. 1712

Read and assented to by the House of Delegates and

Signed p Order Richd Dallam Cl. Ho. Del.

Ordered they be carried up to the Council to Morrow Morning.

Resolved a Bill be brought in to prevent the Multitude of useless Horses running in the Woods according to the Proposals from the Honble Council

The House adjourned till to Morrow Morning Nine O'Clock.

Wednesday 12th Nov. 1712 L. H. J. Lib. 41 p. 362

The House met according to Adjournment. Being called over were all present as Yesterday.

Read what was done Yesterday

Bill to redress the great Evil accruing by the Multitude of useless Horses Read the first and second Times by Special Order and will pass.

Sent up to the Council by Mr Clagett and Mr Govert Lockerman

They return and say they delivered the Bill

Bill permitting the Inhabitants to sue out Writs and confess Judgment in their proper Persons Read the first and second Times by Special Order and committed for Amendment

The Bill and Message prepared last Night relating to the Indians sent up to the Council by the Members of Dorchester and Somerset Counties.

They return & say they delivered the same

The two ingrossed Bills assented to Yesterday sent up to the Honble Council by Mr Tyler, Mr John Mackall, Mr Mariartee & Mr Scott.

They return and say they delivered the Bills

The Message relating to the Bill reinvesting Seward's Heirs into certain Tract of Land Ordered to be prepared last Night Read approved and ordered to be entered Viz.

By the House of Delegates
11th Novem. 1712

We cannot concur with your Honours that the last Indorsment on this Bill by this House is any ways unparliamentary but are of a contrary Opinion and well assured that this Session is the Time to which the Bill was last referred, and that every Session of Parliament is in Law a new Parliament. We are not unsensible of the Difference between an Adjournment and a Prorogation, and the last was neither but a Dissolution and so this a new Assembly and if all Matters referred from the last to this should be discontinued it would be very inconvenient for then every Thing not then finished must begin anew, and then to what Purpose is any Referrence when it's in the Power of any Governor to dissolve the Assembly and have a new one every Session? or to what Intent does the House of Commons at the Election of a new Speaker read some of the Bills that did not pass the Royal Assent the last Session (as it were to give him Seizin of the House) if according to your way of Reasoning they were discontinued and must be-

L. H. J. Lib. 41 gin anew? Neither can we conceive that your agreeing to this Bill now and passing it into a Law will be any ways irregular, and since the Lord Proprietary has been heard by his Agent and Col° Smithson by his Council learned in the Law and we fully satisfied of the Justice of the Petitioners Claim, we pray your Honours to agree to this Bill that it may be Enacted this Session

Signed p Order Rich[d] Dallam Cl. Ho. Del.

Sent up to the Honble Council by M[r] Hill, M[r] Tripp, M[r] Broome, M[r] John Whittington, M[r] Wells, and M[r] Jowles.

They return and say they delivered the Message and Bill

The Honble Samuel Young and John Hall Esq[rs] and Col° Thomas Addison enter the House and deliver M[r] Speaker the following Bills

Bill prohibiting the Exportation of Neats Hydes and old Iron Indorsed

Eodem Die

Read in Council and will pass with the Amendments proposed.

W Bladen Cl. Council

Read again in the House and past for ingrossing

Supplementary Act to the Act for Stay of Executions Indorsed

Eodem Die

Read in Council and will pass.

W Bladen Cl. Council

Read again in the House and past for ingrossing

p. 363 Bill for settling Baltimore County Court House Indorsed

Eodem Die

Read in Council and will pass with the Amendments proposed

W Bladen Cl. Council.

Read again in the House, the Amendments proposed, agreed to, and past for ingrossing

Bill against Ordinary Keepers entertaining Sailors Indorsed,

Eodem Die.

Read in Council & will pass with the Amendments by

leaving out that Part relating to Custom House Officers, Sheriffs and Clerks L. H. J. Lib. 41

W Bladen Cl. Council

Read again in the House, the Amendments agreed to, and past for ingrossing

Bill relieving the Inhabitants from some Aggrievances they lye under &ta Indorsed,

Eodem Die.

Read in Council and will pass with the Amendments proposed

W Bladen Cl. Council

Read again in the House, the Amendments proposed by the Council, agreed to and some further Amendments made by the House

Bill restraining the ill Practice of Sheriffs in executing Writs of fieri facias &ta Indorsed

By the Council in Assembly
Nov. 11th 1712

Read in Council and the Consideration thereof referred to the next Session of Assembly.

Signed p Order W Bladen Cl. Council

Upon reading the said Indorsment Ordered the Bill be again indorsed—

By the House of Delegates
12th Nov. 1712

We take this Bill to be of absolute Necessity therefore cannot agree with your Honrs in referring it till another Session but earnestly intreat your Honours to consider of it now that it may be Enacted this Session

Signed p Order Richd Dallam Cl. Ho. Del.

Ordered these two last Bills be carried up to the Council by Mr Tyler, Mr John Mackall, Mr Hill, Mr Broome, Mr Leach, Mr James Mackall, Mr Jones, Mr Hammond, Mr Mariartee and Mr Docwra.

They return and say they delivered the Bills

The Honble Colo Greenberry and Colo Tilghman enter the House and deliver Mr Speaker the Journal of the Committee of Accounts and the following Message

L. H. J. Lib. 41

By the Council in Assembly
Nov. 12th 1712

On Perusal of the Journal of the Committee of Accounts we find several Mistakes therein which will be remarked to you by the Messengers herewith sent. We cannot see what Reasons you have to reject the Allowances usually made the Members of this Board for their Attendance and Assistance in the High Court of Chancery and recommend it to your Consideration that the wonted Allowances be made them

The Honble President advanced ten Dollars to Mr Brooke the Messenger sent from Virginia by Governor Spotswoods Express with the publick Packets and her Majesty's Proclamation for the Cessation of Arms agreed with France which Money we desire may be repaid his Honour out of the Treasury

Signed p Order W Bladen Cl. Council

Upon reading and debating this Message Ordered the Journal be rectified and the Message Answered as follows

By the House of Delegates
12th Nov. 1712

We have ordered the Errors in the Journal of the Committee of Accounts to be rectified and the Honble President ten Dollars to be allowed him. But as to allowing such of your Honours Accounts as attended in the Court of Chancery we cannot allow them it being contrary to the Act of Assembly. And we are of Opinion that the Profits of the Office of keeping the Seal is sufficient to defray the Charge and Expences of the Judges there without burthening the Public

Signed p Order Richd Dallam Cl. Ho. Del.

p. 364 Sent up to the Honble Council by Mr Wells, Mr Robins, Mr Hammond and Mr Story

They return and say they delivered their Message

Ingrossed Bill to confirm the last Will & Testament of Colo John Courts

Ingrossed Bill for investing Margaret Hollingsworth & Katharine Wells into certain Lands

Both read and severally indorsed

12th Nov. 1712

Read and assented to by the House of Delegates and

Signed p Order Richd Dallam Cl. Ho. Del.

Sent up to the Honble Council for their Assent by Mr Storey, M^r^ ffendall, Mr Charles Wright & Mr John Whittington. L. H. J. Lib. 41

They return and say they delivered the Bills

Supplementary Bill to the Act for punishing ffornication and Adultery, Read the first and second Times by special Order and will pass

Bill permitting the Inhabitants to take out Writs in their own Names Read the third Time by special Order and will pass as now amended.

These two Bills sent up to the Honble Council by Mr Woolford, Mr Broom, Mr Sprigg and Mr Pearce

They return and say they delivered the Bills.

The Honble Col^o^ Addison, Col^o^ Tilghman, John Hall, and John Dorsey Esq^rs^ enter the House and deliver Mr Speaker Bill restraining the Inhabitants from selling Liquors to the Indians &^ta^ with a Message that the Honble Council agreed to the Amendments proposed by the House. Read and ordered the said Bill be accordingly amended

Bill relieving the Inhabitants from some Aggrievances &^ta^ Indorsed The Honble Council agree to the Amendments last proposed by the House. Ordered the said Bill be ingrossed

Bill restraining the ill Practice of Sheriffs in executing Writs of fieri facias Indorsed

By the Council in Assembly
Nov. 12th 1712

The Nature of this Bill and several Clauses therein requiring a mature and very deliberate Consideration we cannot well digest the same this present Session and therefore expect you will urge it no further at this Time

Signed p Order W Bladen Cl. Council.

Upon reading and debating this Message Resolved the said Bill be again sent back to the Honble Council with the following Indorsment

By the House of Delegates
12th Nov. 1712

We are so sensible of the Abuses committed in the Destruction of Mens Estates which this Bill designs to remedy that we can't in Conscience and Duty to ourselves and those we represent consent to the referring it till another Session of Assembly and for an Instance among many others of this great Abuse about the Time of our coming hither an Estate of

L. H. J. Lib. 41 Arthur Young appraised to the Executors at near seven hundred Pounds Sterling a great Part thereof to the Value of above 400 £ hath been sold for not above sixty Pounds besides ffees and not long since two Negroes of John Hutchins appraised at Sixty Pounds sold for thirty Pounds which is so intolerable a Burthen that we cannot forbear mentioning it to your Honours in hopes to incline you to consider of this Bill at this Time and prevent such Evils by assenting to the Bill

Signed p Order Rich[d] Dallam Cl. Ho. Del.

Sent up to the Honble Council by M[r] Tyler, M[r] John Mackall, M[r] Brooke, M[r] Broome, M[r] Hill, M[r] Sprigg, M[r] Hammond, M[r] Storey, M[r] Hoskins, M[r] Jones, M[r] Frisby, M[r] Solomon Wright, M[r] Wells, M[r] Robins, M[r] Ennalls, M[r] Trippe, M[r] Charles Wright, M[r] Woolford, M[r] Pearce and M[r] John Whittington

They return and say they delivered the same

Ingrossed Bill confirming a Deed from Edward Hancox to Sir Thomas Johnson

Ingrossed Bill for Naturalization of Samuel Guichard.

Both these Bills read and severally indorsed

12th Nov. 1712.

Read & Assented to by the House of Delegates &

Signed p Order R[d] Dallam Cl. Ho. Del.

p. 365 Sent up to the Honble Council for their Assent by M[r] Robins and M[r] Hill.

They return and say they delivered the Bills

John Dorsey Esq. from the Honble Council enters the House and delivers M[r] Speaker Ingrossed Bill confirming Col[o] Courts' Will

Ingrossed Bill investing Margaret Hollingsworth and Katharine Wells into Land severally indorsed

Nov. 12th 1712

Read and assented to by her Majesty's Honble Council in Assembly and

Signed p Order W Bladen Cl. Council

Col[o] Greenberry and Col[o] Addison enter the House and deliver M[r] Speaker Seward's Bill absolutely rejected by the Council and the following Message

By the Council in Assembly
Nov. 12th 1712

L. H. J.
Lib. 41

Upon reading your Message by Mr Hill and five other Members with the Bill for vesting Seward's Heirs in a certain Tract of Land in Dorchester County called Sectar we must assert our Opinion that your Indorsment thereon is not Parliamentary, but mistaken, and what is hinted by you of reading a Bill not past the last Parliament or a new Bill on installing the Speaker is no Rule for sending up a Bill to the Upper House with sundry Indorsments made by the last Parliament, but it must begin anew. Vid. Coke's Jurisdiction of Courts, Tit. Parliamt fol. 27 and 28 And now as to the Substance of the Bill we have fully debated it at this Board and will not take upon us to pass any Act to dispose of the Lord Proprietary's Lands or direct his Grants thereof; and therefore refer Seward's Heirs to take their Course at Law to oblige the Lord Proprietary to do them Justice in Case it has been denied them.

Signed p Order W Bladen Cl. Council

Ingrossed Bill settling Baltimore County Court House
Ingrossed Bill against Ordinary Keepers entertaining Sailors.
These two Bills Read and severally indorsed

12th Nov. 1712

Read and assented to by the House of Delegates and
Signed p Order R. Dallam Cl. Ho. Del.

Sent up to the Council by Mr Mariartee and Mr Clagett.
They return and say they delivered the Bills.
John Hall Esq. enters the House and delivers Mr Speaker Ingrossed Bill confirming a Deed from Edward Hancox to Sir Thomas Johnson
Ingrossed Bill for Naturalization of Samuel Guichard. severally indorsed

Novr 12th 1712

Read & assented to by her Majesty's Honble Council in Assembly &
Signed p Order W Bladen Cl. Council.

The Honble Mr Secretary Lloyd enters the House and delivers Mr Speaker Ingrossed Bill settling Baltimore County Court House at Joppa.

L. H. J. Lib. 41 Ingrossed Bill restraining Ordinary Keepers from entertaining Sailors severally indorsed

Novr 12th 1712

Read and assented to by her Majesty's Honble Council in Assembly and

Signed p Order W Bladen Cl. Council

The House adjourned till to Morrow Morning Nine O' Clock.

Thursday 13th Nov. 1712

The House met again according to Adjournment Being called over were all present as yesterday.

Read what was done Yesterday.

Bill restraining the Inhabitants from selling Liquors to the Indians &^{ta} Read the fourth Time with the Amendments and will pass.

Ingrossed Bill prohibiting the Exportation of Neats Hydes and old Iron &^{ta}

Ingrossed Bill reviving the Act ascertaining Fees to the Attorneys &^{ta}

Ingrossed Bill or Supplementary Act to the Act for Stay of Executions

All these ingrossed Bills Read and severally indorsed

13th Nov. 1712

Read and assented to by the House of Delegates and

Signed p Order R^{d} Dallam Cl. Ho. Del.

p. 366 These three ingrossed Bills and the Bill about the Indians sent up to the Honble Council by Mr Worthington, Mr Greenfield, Mr John Purnell, Mr Thomas Purnell, Mr Brooke and Mr Hammond.

They return and say they delivered the Bills

The Honble John Hall, and Charles Greenberry Esq^{rs} enter the House and deliver Mr Speaker the Journal of the Committee of Accounts assented to by her Majesty's Honble Council. Also Supplementary Bill to the Act for Punishment of Adultery and Fornication Indorsed

Eodem Die

L. H. J. Lib. 41

Read in Council and will pass with the additional Clause proposed

W. Bladen Cl. Council.

Read again in the House the additional Clause agreed to and past for ingrossing

Bill permitting the Inhabitants to take out Writs in their own Names &ta Indorsed

Novr 12th 1712

This Bill being considered of by this Board they are of Opinion it will be a means not only to create many Suits but also introduce ill Practice by giving an Handle to litigious People to oppress their quiet Neighbours and therefore it's rejected

Signed p Order W Bladen Cl. Council

Resolved Mr John Leach, Mr Joseph Hill, Mr Edward Scott, Mr Greenfield, Mr Woolford, and Mr Garrett be and are appointed a Committee to join with some of the Members of her Majesty's Honble Council to proportion the publick Levy. The said Gentlemen sent up to the Honble Council with a Message for that Purpose.

They return and say they delivered the same

Upon reading and debating the Message and Bill permitting the Inhabitants to take out Writs in their own Names &ta Put to the Question whether the House proceed any further therein this Session, or not? and Resolved the House proceed and that a Message be prepared and sent to desire a Conferrence with the Honble Council thereon Viz.

By the House of Delegates
Novr 13th 1712.

This House are surprised your Honours should reject the Bill permitting the Inhabitants of this Province to take out Writs and confess Judgment in their proper Persons We are of Opinion 'twill prevent great Oppressions, and we conceive we can give your Honours satisfactory Reasons for insisting on this Bill and therefore pray your Honours will confer with us concerning the same

Signed p Order R. Dallam Cl. Ho. Del.

Sent up to the Honble Council by Mr Tyler, Mr John

L. H. J. Lib. 41 Mackall, M[r] Jones, M[r] Hammond, M[r] Tripp, M[r] Sprigg, M[r] Mariartee and M[r] Broome.

They return & say they delivered their Message.

The Honble Col[o] Addison and Col[o] Tilghman enter the House and deliver M[r] Speaker the three ingrossed Bills sent up this Day severally indorsed

Nov[r] 13th 1712.

Read and assented to by her Majesty's Honble Council in Assembly &

Signed p Order W Bladen Cl. Co.

Also Bill restraining the Inhabitants from selling Liquors to the Indians &[ta] Indorsed

Eodem Die

Read in Council & will pass

W Bladen Cl. Council

Read again in the House and past for ingrossing

Moved that Leave be given to Benjamin Woodward and Mary his Wife to exhibit a Petition to this House and Leave given accordingly Which Petition being read Ord[d] it be indorsed

By the House of Delegates
13th Nov. 1712

The within Petition Read and Resolved That Col[o] Thomas Smithson and M[r] Tho[s] Hicks be served with Copies thereof and that unless they appear the next Session of Assembly and shew Cause to the contrary on Oath of such Service and no Cause shewn, Leave be given to bring in a Bill as prayed.

Signed p Ord[r] R. Dallam Cl. Ho. Del.

p. 367 Bill relieving some Aggrievances again Read and Resolved the same wants some Amendments and that a Message be prepared to acquaint the Council thereof as followeth,

By the House of Delegates
Nov[r] 13th 1712

Upon reading this Bill this Day we observe the Clause in ffolio 2 is contrary to the Intent of your Honours and this House as the Messengers herewith sent will remark to your Honours We desire the same may be amended by leaving out

the Clause and adding the new one which we conceive fully agrees with your and our Intentions L. H. J. Lib. 41

Signed p Order R. Dallam Cl. Ho. Del.

Sent up to the Honble Council by Mr Ward, Mr Lloyd, Mr Tyler and Mr Jones

They return and say they delivered the same

Ingrossed Bill to redress the great Evil occasioned by the Multitude of Horses &^ta^ Read and Indorsed

13th Novr 1712

Read and assented to by the House of Del. and

Signed p Order R. Dallam Cl. Ho. Del.

Sent up to the Honble Council by Mr Pearce and Mr Docwra

They return and say they delivered the Bill

The Honble Col^o^ Greenberry enters the House and delivers Mr Speaker the Bill for relieving some Aggrievances Indorsed, The Honble Council agree to the Amend^ts^ last proposed by the House Ordered the said Bill pass for ingrossing

Also the following Message.

By the Council in Assembly
Novr 13th 1712

We have appointed Col^o^ Charles Greenberry and Col^o^ William Whittington to join with the Members of your House in apportioning the publick Levy.

Signed p Order W Bladen Cl. Council.

Ordered the Members of this House go out thereon.

The Honble Samuel Young Col^o^ Addison Col^o^ Tilghman and John Dorsey Esq^rs^ enter the House and deliver Mr Speaker, Ingrossed Bill to prevent the Multitude of Horses &^ta^ Indorsed

Novem^r^ 13th 1712

Read and assented to by her Majesty's Honble Council in Assembly and

Signed p Order W Bladen Cl. Council

And also the following Messages

L. H. J. Lib. 41

By the Council in Assembly
Novem[r] 13th 1712

In Answer to your Message this Day by M[r] Tyler and seven others of your House we have debated the same and Resolved we will not recede from our former Resolution already signified to you to reject the Bill you have desired a Conference upon

Signed p Order W. Bladen Cl. Council.

By the Council in Assembly
Novem[r] 13th 1712

Gentl. We are heartily sorry to hear of such extraordinary Oppressions & ill Practices by you represented to have been committed in Calvert County and thereupon have looked into the Office of Sheriffs and particularly in Relation to Executions made by ffieri fac. and Goods sold by Virtue of Writs of Venditioni Exponas, and find that upon such Executions the Sheriff if he does not enquire of the Value of the Goods
p. 363 and Chattels by him taken by a Jury yet he ought to do it by the Oaths of good Men and take Care the Goods are not undervalued, for it's instanced in Dalton's Sheriff's Office Folio 526 the Under Sheriff took Goods upon a fieri facias and did not sell them to half the Worth of them and upon Motion it appeared to the Court that he had persuaded the Jury to undervalue the Goods and according to his Persuasions the Jury appraised them and then the Sheriff sold them for the same Money for which they were appraised. The Court held it was a grand Oppression and thereupon ordered an Indictment against the Under Sheriff. Again in the same Authority folio 246 the Sheriff makes Return of a Venditioni Exponas in these Words. As yet those Goods and Chattels which I lately took into the Hands "of our Lord the King of "the Goods and Chattels of the ffarm Possession and Tene- "ment of the Manor of W—— to the Value of ten Pounds "remain unsold for Want of Buyers but from Day to Day I "expose them to sale and as soon as I can will answer unto "you for the Pence thereupon arising" Which shews that the Sheriff ought not to sell the Goods and Chattels levyed under the Value appraised or that he is confined to sell them before or at the Return of the Writ to any Bidder under the Value of the Appraisment nor ought he to levy any more Goods and Chattels than what by the Appraisment of indifferent Men or a Jury as aforesaid are sufficient to answer the Debt and Cost in the Execution commanded to be levyed Wherefore we cannot but think the Sheriff that has mistaken such Rules in his Office and thereby occasioned the Oppres-

sion you represent is liable to the Action of the Parties oppressed for it's plain by the aforesaid Authority folio 147 the Sheriff must either appraise the Goods before he sell them or enquire of their Value by a Jury. All which we think is sufficient to remedy the ill Practice complained of without compelling the Creditor against his Will to take the Goods and Chattels levyed by the Sheriff at any ignorant or unreasonable Appraisment which the Wisdom of the Kingdom of England never thought meet not but that the Practice is he may accept them if he thinks fit. And such Acceptance will discharge the Sheriff Wherefore we cannot see any Necessity for the Bill proposed and therefore reject it L. H. J. Lib. 41

Signed p Ord^r^ W Bladen Cl. Council.

Resolved the same be considered of to Morrow Morning

Resolved the Bill permitting the Inhabitants to take out Writs in their own Names &^ta^ be referred for further Consideration next Session of Assembly

The Honble Samuel Young and John Dorsey Esq^rs^ enter the House and deliver Mr Speaker the following Message.

By the Council in Assembly
November 10th 1712

In Answer to your Message by Captain Jones and Mr Ennalls of the sixth Instant relating to the Naval Office and Papers therein desired to be lodged in the Council Office we cannot be assured that the same Person (tho' now it is so) will always hold both Offices so that it may be unfit the Naval Officer should have Recourse to the Council Office but are rather induced that the Office appointed for the Town Court be allotted to the Clerk of your House and that the Assembly Office should be to the Town Clerk of the City of Annapolis in Lieu thereof and desire you will send a Member or two from your House with these Gentlemen from our Board to view the said Offices and concert that Matter p. 369

Signed p Order W Bladen Cl. Council

Upon reading this Message the House concur therewith and Mr James Lloyd and Mr Daniel Mariartee ordered to attend the Gentlemen of her Majesty's Honble Council to view the Offices. The said Gentlemen report they have viewed the Offices and find that the Town Office is very convenient but wants furnishing with Tables, Desks, &^ta^ Resolved That the Town Office be now appointed for the Clerk of this House and that the same be fitted up as the Council

L. H. J. Lib. 41 Office now is and that the Office called the Assembly Office belong to the Town Clerk of the City of Annapolis according to the Message from the Council

Resolved the Supplementary Act be brought into the Act for Probat of Wills to oblige Creditors to take the Deceased's Goods at the Appraisments

The House adjourned till to Morrow Morning Nine O'Clock.

Friday 14th Nov. 1712.

The House met according to Adjournment Being called were all present as Yesterday.

Read what was done Yesterday

The Message brought into the House Yesterday relating to the Sheriff's executing Writs of fieri facias Read and debated and Resolved it be answered as followeth

By the House of Delegates
14th Nov. 1712

We take it strange your Honours should believe the Act restraining the ill Practice of Sheriffs executing Writs of fieri facias was only designed to remedy the same in Calvert County and no other Place in this Province We can give you many Instances of like Nature in other Counties and must say the Sheriff of Calvert County is not so great a Stranger to Mr Dalton's Office of Sheriff to Act contrary thereto and that the Goods we instanced to be sold were valued by a Jury at a greater Value than sold for Neither would the Sheriff sell until commanded by a Venditioni Exponas and was forced by the Creditors to sell them at less than half what the Jury valued them at Besides that Bill would remedy many other Evils as if Cattle were taken in Execution by A. B. Sheriff by Virtue of a fieri facias and the Sheriff returns they remain in his Hands for Want of Buyers and then die. A Venditioni Exponas issues commanding his Successor to sell them this last Sheriff cannot execute the Writ for the Goods were never in his Custody and before a new fieri facias can be taken out the Cattle are all lost or dead for after they are executed they are out of the Defendant's Custody and the Executors or Administrators of the first Sheriff can't detain them nor are they answerable; so this is a Loss to the Creditor as well as the Debtor Again to what Purpose is it for the Sheriff to keep the Goods in his Hands for many Years when no Buyers offer. This must needs be a great Loss to the Creditor and Debtor especially in Goods perishable or charge-

able or if Negroes the Profit of their Labour must be the Sheriffs And altho' the Wisdom of the Kingdom of England never thought meet to make such an Act there being many Markets and many Buyers yet we know several Acts of the like Nature to this in the English Plantations and why this Province should be denied the Liberty that others are allowed we know not unless it be to satisfy the covetous Desires of a few Merciless Creditors and Mercenary Officers and to bring the Commonality into Poverty and Slavery out of which we have and Hope always shall endeavour to keep them tho' at present it's not in our Power hardly obtaining any Thing that tends thereto L. H. J. Lib. 41 p. 370

Signed p Order Rich[d] Dallam Cl. Ho. Del.

Supplementary Act to the Act for Probat of Wills &[ta] Read the first and second Times by special Order and will pass.

Sent up with the aforesaid Message to the Honble Council by M[r] John Mackall, M[r] James Mackall, M[r] John Broome, Capt. Jones, M[r] Hammond, M[r] Sprigg, M[r] Brooks and M[r] Clagett. They return and say they delivered their Message and Bill

Resolved the said Act about Sheriffs executing Writs of fieri facias be referred for further Consideration next Session of Assembly

The Honble Col[o] Greenfield and Col[o] Addison enter the House and deliver M[r] Speaker the following Message.

By the Council in Assembly
Nov. 14th 1712

Gentl. In Answer to your Message desiring to know our Sentiments whether it might be for the Good of the Province to move his Ldp the L[d] Propry to accept of his Rents in Tobacco at two Pence p Pound upon the same Condition for his Successors at it now stands with his Lordship we shall not take upon us to prescribe Rules to your House but as you more immediately represent the People if you think it advisable to write to his Lordship to know his Inclinations upon what Terms he will be pleased to settle the Rents for himself his Heirs and Successors you may use your Discretion.

Signed p Order W Bladen Cl. Council.

Ingrossed Bill relieving the Inhabitants from some Aggrievances they lye under in Prosecution of Suits in Law

Ingrossed Bill restraining the Inhabitants from selling great Quantities of Liquors to the Indians &[ta]

L. H. J. Lib. 41 Ingrossed Bill being a Supplement to the Act for Punishment of Adultery and ffornication &ta

All these three ingrossed Bills Read and severally indorsed

14th Nov. 1712.

Read and assented to by the House of Delegates and
Signed p Order Richd Dallam Cl. Ho. Del.

Sent up to the Honble Council by Mr Sprigg, Mr Broome, Mr Trippe and Mr Pearce

They return and say they delivered the Bills

Colo Addison and John Dorsey Esqr enter the House and deliver Mr Speaker the aforesaid three ingrossed Bills sent up this Day severally indorsed

Novr 14th 1712

Read & assented to by her Majesty's Honble Council in Assembly and
Signed p order W Bladen Cl. Council.

The House proceeds to tax the ffees for private Bills past this Session Viz.

p. 371 The Bill confirming the Probat of John Harrison's Will to be paid by John Dent of Charles County
To the Honble Speaker, £3 .. 0 .. 0
To the Clerk of this House, 1 .. 10 .. 0

Francis Sherwood for Bill confirming Hugh Sherwood's Will
To Mr Speaker 2 .. 0 .. 0
To the Clerk 1 .. 0 .. 0

Peter Overard for his Bill of Naturalization
To Mr Speaker, 1 .. 0 .. 0
To the Clerk — .. 10 .. 0

Daniel Packet for the same
To the Speaker 1 .. 0 .. 0
To the Clerk 0 .. 10 .. 0

Joseph Chrismonds for the same.
To Mr Speaker 10 .. 0
To the Clerk — .. 5 —0

Ambrose Nelson for the same
To Mr Speaker 1 .. 0 .. 0
To the Clerk 10 .. 0

L. H. J.
Lib. 41

M[r] John Bradford for Bill confirming a Deed from Col[o] Beall to Michael Ashford

To M[r] Speaker	£4 .. 0 .. 0
To the Clerk	2 .. 0 .. 0

John Rogers for Bill to confirm Col[o] Courts Will

To M[r] Speaker	6 .. 0 .. 0
To the Clerk of this House	3 .. 0 .. 0

Thomas Hollingsworth for Bill confirming the Will of Zerobabel Wells

To M[r] Speaker	2 .. 0 .. 0
To the Clerk	1 .. 0 .. 0

Sir Thomas Johnson for Bill confirming a Deed made him by M[r] Hancox

To M[r] Speaker	3 .. 0 .. 0
To the Clerk	1 .. 10 .. –

Samuel Guichard for his Naturalization Bill

To M[r] Speaker	1 .. 10 .. 0
To the Clerk	– .. 15 .. 0

Baltimore County for Bill settling their Court House

	lb Tob[o]
To M[r] Speaker	1200
To the Clerk	600
To the Clerk for the Ordinance and in full of all his ffees on the Several Petitions from that County	500

The Honble Samuel Young Esq[r] Col[o] Holland, Col[o] Addison, Col[o] Tilghman and John Dorsey Esq. from the Honble Council enter the House and deliver M[r] Speaker Supplementary Bill to the Act for Probat of Wills &[ta] Indorsed

By the Council in Assembly,
Eodem Die

Upon reading and debating this Bill at the Board it was Resolved that in Case such Bill should pass it will be a Means to prejudice Orphans by undervaluing dead Mens Estates which are always to be appraised in the Presence of two of the Creditors who will never be induced to approve of and sign any Inventory unless at a very low Appraisment since they know they must be obliged to take the meanest Part of the Estate in Satisfaction of their Debts for which Reasons as well as many others we reject the Bill

Signed p Order W Bladen Cl. Council

Resolved the said Bill be referred for further Consideration next Session of Assembly.

L. H. J. Lib. 41 p. 372 The said Gentlemen of the Council likewise delivered the following Message to Mr Speaker

By the Council in Assembly
Nov. 14th 1712

We have considered the Bill by you sent up this Day by Mr John Mackall & seven others of your House and the Message accompanying the same; and since we have as eminently justified that we have the true Interest of our Country as much at Heart as any of your House if we differ in Judgment about the Time and Manner of promoting some Things you think will conduce to it we know not why you should (after we have endeavoured to redress the greatest Aggrievances you represented at the Beginning of this Session) reflect upon us not only as partial and unjust in denying you Libertys other her Majesty's Subjects have in her Plantations but asperse us with gratifying the Desires of merciless Creditors and mercenary Officers in Order to enslave and impoverish the Commonality

Gentl. Unless you lay aside these Heats and Reflections you will interrupt the Good Correspondence you ought to cultivate with this Honble Board and render all our Endeavours for the Good of the Country ineffectual; Or were you gratified in what you desire it would be a Matter of such Moment that it would discourage and ruin all Trade and Commerce with us and thereby render us far more miserable than our worst Circumstances now are and give Occasion to Creditors loudly to complain of our Injustice and Partiality, to the great Scandal of our Country which will not easily be wiped off. We cannot apprehend why you should send us such a Message unless you were conscious to yourselves we have just Reasons to reject the Bill you propose.

Signed p Order W Bladen Cl. Council.

Upon reading and debating the aforesaid Message Resolved it be answered as followeth

By the House of Delegates
14th Nov. 1712.

We have read and considered your Message last sent us by Colo Holland and four other Members of your Board and know not how you can interpret our Message this Morning to reflect on your Honours when we never designed it we cannot help your differing in Judgment from us but since you must own we more immediately represent the People than

your Honble Board you must allow us to know more of their Oppressions and we offer the properest Remedies we can to relieve them We have no Design to interrupt a good Correspondence with you and were not conscious to ourselves we had any just or colourable Reasons you would reject any of the Bills we have proposed this Session And tho' you say you have endeavoured to redress the greatest Aggrievances we represented at the Beginning of this Session we must affirm and can justify 'twas hardly obtain'd and had not this Assembly been called there would have been no Occasion for our desiring L. H. J. Lib. 41

We shall not further press your Honours in these Matters but hope ere Long a Capt. General will arrive fully instructed, impowered and inclined to relieve us out of the Aggrievances and Oppressions we must till then passively indure

Signed p Order R. Dallam Cl. Ho. Del.

Sent up to the Honble Council by Mr Hammond, Mr Mariartee, Mr Ennalls and Mr Worthington.

They return and say they delivered the same

The House adjourned till to Morrow Morning Nine O'Clock

Saturday 15th Nov. 1712 p. 373

The House met again according to Adjournm^t^ Being called over were all present as Yesterday.

Read what was done Yesterday

Richard Young's Petition praying Liberty to keep and Stable Horses at the Gate House &^ta^ Read and Resolved Liberty be given him to keep and Stable Horses & sell Provender as formerly used by him and other Gate Keepers.

Resolved Mr Cadwaller Edwards fit up the Office in the Stadt House that formerly was allotted for the Town Clerk of Annapolis for the Use of the Clerk of this House in all Respects as the Council Office is now fitted up with Table Forms, Pidgeon Holes &^ta^ and to finish the Work by the first of April next and to be paid by the Public for his Work and all Necessaries for doing the same seven Pound Current Money. And Ordered when the Office is fitted up the Journals and all Papers belonging to the Assembly be lodged therein and the Clerk of the Secretary's Office have the keeping the same when the Clerk of this is not in Town out of Assembly Times

Resolved the Clerk of this House record such of the Journals of this House as are to be found and to be paid for the

L. H. J. Lib. 41 same by the Public and that the Secretary deliver him the Journals for that Purpose

The House adjourned for an Hour.

Eodem Die.

The House met again according to Adjournment were called over and all present as before

Bill for Payment and Assessment of the publick Levy this present year 1712 Read the first and second Times by special Order and will pass

Sent up to the Honble Council by Mr Mariartee and Mr Lloyd.

They return and say they delivered the Bill

The Honble John Dorsey Esq. enters the House and delivers Mr Speaker the said Bill for Payment and Assessment of the publick Levy Indorsed

Eodem Die.

Read in Council the first and second Times and will pass.

W Bladen Cl. Council

Read again in the House and past for ingrossing. The said Bill ingrossed read and indorsed,

By the House of Delegates
15th Nov. 1712.

Read and assented to by the House of Delegates and

Signed p Order Richd Dallam Cl. Ho. Del.

Sent up to the Honble Council by Mr Ward and Mr Brooke.

They return and say they delivered the Bill

Col^o^ Addison and Col^o^ Tilghman enter the House and deliver Mr Speaker the same Bill Indorsed

Nov. 15th 1712

Read and assented to by her Majesty's Honble Council in Assembly and

Signed p Order W Bladen Cl. Council

Ordered Mr Daniel Mariartee and Mr James Lloyd attend the Honble President & Council and acquaint that Honble

Board this House have nothing before them & are ready to attend their Honours to compleat this Session. L. H. J. Lib. 41

They return and say they delivered their Message.

The Honble Samuel Young Esqr and Col^o Tilghman enter the House and inform Mr Speaker the Honble President commands him and the whole House immediately to attend him in the Council Chamber to compleat this Session.

The House Adjourned to the Council Chamber and being admitted at the Board Mr Speaker delivered to the Honble President the several Bills agreed upon this Session being in Number twenty six whose Numbers and Titles follow Viz. p. 374

Publick Bills

N° 1 Bill relieving the Inhabitants from some Aggrievances they lye under in Prosecution of Suits of Law

2 Bill reviving the Act for imposing three Pence ꝑ Hhd on Tobacco towards defraying the publick Charge of the Province.

3 Bill reviving the Act imposing three Pence ꝑ Gallon on Rum, Wine, Brandy and Spirits and twenty Shillings ꝑ head on Negroes and Irish Servants

4. Supplementary Act to the Act for Constables & declaring what Persons are Taxables

5. Bill reviving the Act for Encouragement of Tillage & Relief of poor Debtors

6 Bill against striking several Sorts of Fish

7 Bill reviving the Act ascertaining the Height of ffences &^ta

8 Bill for killing Squirrels

9 Bill for regulating Writs of Error and granting Appeals

10 Bill to prevent Victuallers and Keepers of publick Houses from entertaining Sailors and trusting them for more than 5/ in a Voyage

11 Supplementary Act to the Act for Stay of Executions

12 Bill prohibiting the Exportation of Neats Hydes and Old Iron

13 Bill reviving the Act ascertaining ffees to Attorneys & for levying the same by Way of Execution.

14 Bill to redress the great Evil accruing by the Multitude of useless Horses running in the Woods

15 Bill restraining the Inhabitants from selling great Quantities of Liquors to the Indians and to prevent false News and Rumours concerning them &^ta

L. H. J. Lib. 41

16. Supplement to the Act for Punishment of Adultery and ffornication

17 Bill for Payment and Assessment of the publick Levy.

Private Bills

18 Bill confirming the Probat of John Harrison's Will

19 Bill confirming to Francis Sherwood and his Heirs an Estate in ffee simple

Bill for Naturalization of Peter Overard, Joseph Crismond, Dan[l] Packett & Ambrose Nelson

21 Bill making good & valid in Law a Deed made by Col[o] Ninian Beall to Michael Ashford

22 Bill confirming the last Will & Testament of Col[o] John Courts

23 Bill investing Margaret Hollingsworth and Katharine Wells in certain Lands

24 Bill confirming a Deed from Edward Hancox to Sir Thomas Johnson

25 Bill for Naturalization of Samuel Guichard

26 Bill for settling Baltimore County Courts

All which said Bills the Honble President was pleased to Enact into Laws by sealing them with the Great Seal and indorsing them separately

Nov. 15th 1712

On Behalf of our Sovereign Lady Queen Anne of Great Britain &[ta] I will this be a Law

Edward Lloyd President

Then his Honour was pleased to declare that with Advice of her Majesty's Honble Council he thought fit to prorogue this present General Assembly to the tenth Day of March next and prorogued them accordingly.

p. 375

Nov[r] 15th 1712.

M[r] Speaker and the House return to their own House M[r] Speaker resumed the Chair and declared the Honble President's Pleasure for proroguing this present General Assembly and the House accordingly prorogued themselves to the aforesaid tenth Day of March next

So ended this present Session of Assembly on Saturday the 15th Day of Nov. in the 11th Year of her Majesty's Reign Annoq. Dom. 1712. The Honble Edward Lloyd Esq[r] Presi-

dent of her Majesty's Honble Council and the Honble Robt Ungle Gentl. Speaker of the House of Delegates. L. H. J. Lib. 41

Test. Richd Dallam Cl. Ho. Del.

An Ordinance for quieting and settling the Differences and Disputes among the Inhabitants of Baltimore County.

Forasmuch as many Differences and Disputes have happened in the County of Baltimore relating to the Building a Court House at Joppa the charge whereof some of the Inhabitants of that County complain is unjustly levyed and to be levyed on them and this General Assembly having thought fit to settle that County Court House at Joppa and the Agreement made by the Justices of that County with the Undertaker or Builder of that House to be laid before them at their next Meeting: And that in the mean Time no more Tobacco shall be levyed on the Inhabitants of that County towards the Building of that House—

It is therefore ordained by the Council and Assembly of this Province that the Justices of Baltimore County do not on any Pretence whatsoever directly or indirectly levy or cause to be levyed or assessed on any the Inhabitants of that County any more Tobacco than what is already assessed for and towards the Paymt for the Building the said Court House and that Colo James Maxwell the Undertaker of that Work do at the first Meeting of the House of Delegates in the next Session of Assembly lay before that House the Agreement made between him and the Justices of Baltimore County for building that Court House and that all Persons whatsoever within the said County do forbear and desist from raising promoting or prosecuting any Heats, Debates, Reflections or Disturbances among the Inhabitants of that County touching the late Dissatisfactions relating to the said Court House whereof all Persons are to take Notice and conform themselves to this Ordinance on Pain of incurring the Displeasure of this Assembly and being prosecuted according to Law

7th Nov. 1712

Read and assented to by the House of Delegates and
Signed p Order Richd Dallam Cl. Ho. Del.

November 8th 1712

Read and assented to by her Majesty's Hon̄ble Council in Assembly and

Signed p Order W Bladen Cl Council

L. H. J. Lib. 41

Sundrys to be sent for by Mr Rousby, on the publick Account & Risque

2 Drums inscribed Maryland Assembly 1712
2 Spare Heads, 2 Spare Lines for ditto, 4 Sticks.
1 Union fflag 4 yards deep 8 yards long
p. 376 1 Ditto 5 yards deep, 10 yards long
3 Rolls Good Parchment neither Text Rul'd nor stamp'd
4 Reams Copying Paper, 4 Ream very good Writing Paper
2 Ream Dutch Demi Paper, ½ Ream Royal Paper
2 Doz. Cakes of the best Japan Ink
3 Good Record Books of about 8 Quire Royal Paper in each Book with a large Margin well bound in Calves Skin and Brass Clasps
½ Doz. Pumice Stones, 1 ^lb^ Pounce
1 Doz. Black Lead Pencils, 1 ^lb^ Wax & Box Wafers

4th Nov. 1712

Sir,

By Order of the House of Delegates you are to send to Great Britain for the above Goods on the publick Account and Risque, and the Charge will be reimbursed you in your publick Accounts when laid before the House of Delegates

I am Y^rs^ R Ungle Speaker

To John Rousby Esqr Naval Officer
of Patuxent District

Cop^a^ p R. Dallam Cl. Ho. Del.

ACTS.

At a Session of Assembly begun and held in the City of Annapolis in the County of Ann Arundel the 28th day of October and ended the 15th day of November, in the 11th year of the Reign of our Sovereign Lady Anne, Queen of Great Britain, France and Ireland, Defender of the Faith, etc., Annoq. Domini 1712, were enacted the following Laws.

Edward Lloyd, Esq., President.

An Act restraining Victuallers and Keepers of Public Houses from entertaining Sailors to the Prejudice of Trade and Commerce Bacon

Whereas the Masters and Commanders of the several Merchant Ships trading into this Province, and the several Merchants and Traders therein, have represented to this General Assembly, that several Persons keeping Victualling Houses, or Public Houses of Entertainment, for Lucre and Gain, do make it their Practice to draw in and entertain the Seamen belonging to the several Ships, and give them too great Credit; not only to the Ruin of them, their Wives and Children, but also to the Hinderance of the Ship's Lading, whereby the Charges of the Ships are greatly augmented, and Trade in general delayed and discouraged: For the Prevention whereof;

II. Be it Enacted by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's President, Council, and Assembly of this Province, and the Authority of the same, That if any Victualler, or Keeper of any Public House, within this Province, shall, after the First Day of January next, trust any Seafaring Man, Sailor, or Seaman, (not being an Inhabitant of this Province, and generally residing in the same) for any Sum or Sums of Money above the Value of Five Shillings in any Voyage, without Leave or Licence from the Commander of the Ship or Vessel to which he belongs, upon Pain of losing their Debt: And if such Victualler, or other Person keeping a Publick House, shall take any Bond, Bill, Note, or Bill of Exchange, or any other Specialty or Obligation for any Debt contracted by any Sailor or Seaman belonging to any Ship or Vessel, and not being an Inhabitant as aforesaid, such Bond, Bill, Note, or Bill of Exchange, or other Specialty, or Obligation, shall be void, and of no Effect.

Bacon III. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That if any Victualler, or Keeper of any Public House as aforesaid, shall entertain or harbour any Sailor or Seaman, without Licence from the Master or Commander of the Ship or Vessel to which he belongs, to the Delay or Hinderance of the Business of such Ship or Vessel, or the Commanders thereof, such Victualler, or Keeper of a Public House, or House of Entertainment, shall be liable to and incur the Pains and Penalties in the Act of Assembly of this Province inflicted on such as entertain or deal with Servants; any Law, Statute, Usage or Custom to the contrary notwithstanding.

IV. Provided, That this Act, or any Thing therein contained, shall not extend to the Master, or Chief Mate of any Ship or Vessel.

Reverdy Ghiselin
Thomas Bacon.

An Act for settling Baltimore County Court, at the new Court house at Joppa.

(1.) It being enacted by the Supplementary Act for the Advancement of Trade 1707, ch. 16, That the Place appointed for a Town on Gunpowder River, on a Tract of Land called Forster's Neck, should be deserted; and in lieu thereof, 50 Acres of Land on a Tract on the said River, belonging to Anne Felks, called Taylor's Choice, should be erected into a Town, and the Court-house of the said County should be built there, And no other Provision being made for building the said Court-house than what was contained in the said Act, which is not now in Force; and the Commissioners of the said County having proceeded towards building of the said Court-house, according to the said Act, before the Dissent of her Majesty to the said Act was known; and since that Time have nearly finished the same: It is therefore Enacted, (2.) That Baltimore County Court shall be from henceforth held at the said House, now built at the said Town of Joppa, and not elsewhere: And that the same House be, to all Intents, Constructions and Purposes, adjudged, used, reputed and taken, as the proper Court-house of Baltimore County. And (3.) That all those Lots of Land laid out by virtue of the said Act, for Towns, for the Public Use, shall be, and is hereby declared to be and remain, to and for the same Uses and Intents the same was at first laid out for.

An Act prohibiting the Exportation of the Hides of Neat Cattle, whether Tanned or Untanned, and old Iron, out of this Province. Bacon

Be it Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's President, Council, and Assembly of this Province, and the Authority of the same, That if any Person or Persons whatsoever, from and after the First Day of December now next ensuing, shall carry and transport, or cause or endeavour to be carried and transported out of this Province, by Land or Water, to any other of her Majesty's Plantations, any Skins or Hides of any Neat Cattle, Tanned or Untanned, or any old Iron whatsoever, it shall and may be lawful for any Officer of her Majesty's Customs to make seizure thereof. And the Master, Merchant, or Owner of any Ship or Vessel, or other Person, being convict of Shipping or Lading on board any Ship or Vessel, or transporting by Land out of this Province, any such Hides or old Iron as aforesaid, shall not only forfeit the same, but also the Sum of Fifty Pounds Current Money of this Province, to her most sacred Majesty, her Heirs and Successors; the one Half thereof towards the defraying the Public Charge of this Province, and the other Half to such Person or Persons as shall inform or sue for the same: To be recovered in any Court within this Province, by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection or Wager of Law shall be allowed.

II And for the better Publication of this Act, Be it likewise Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That every Naval Officer and Collector within this Province, shall procure a fair Copy of this Act, to be put up at the most public Place within their respective Offices before or at the aforesaid First Day of December at farthest; and the said Naval Officers, Collectors, or other Custom-House Officers of her Majesty's Customs, are hereby required to have a strict Regard to the due Execution of this Act; and so far as in them lies, to detect and prosecute, or cause to be detected and prosecuted, all Offenders against the Tenor hereof.

Reverdy Ghiselin
Thomas Bacon.

An Act against Striking sundry sorts of Fish within the Precincts of this Province. Baskett

Whereas the frequent Striking of Fish within the Precincts of this Province, has been represented to this present General Assembly, as a great Evil to the Inhabitants thereof, in the

Baskett Destruction of their Fishery; Be it therefore Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's President, Council, and Assembly of this Province, and the Authority of the same, That no Person whatsoever shall hereafter strike or shoot any Fish within the Precincts aforesaid, with Gigs, Arrows, or any other striking Instruments, nor shall presume to go out upon the Water in Canoes, Boats, or other Vessels fit for that Purpose, in the Night time, provided with Lights, or other Utensils for Striking, upon the Penalties hereafter mentioned (that is to say)
p. 67 For every Night that any Person shall go out upon the Water in such Vessel, as aforesaid, provided as aforesaid, such Person shall be fined the sum of Two hundred Pounds of Tobacco; and also every Person, that shall Strike any Fish, as aforesaid, whether by Day or Night, the Sum of One hundred Pounds of Tobacco for every Fish so struck; One Half of each of which said Fines to be paid to the Informer, and the other Half to our Sovereign Lady the Queen, Her Heirs or Successors, to be employed by the Justices of the County, where the Offender lives, towards the Defraying the Charge of such County; such Fact or Facts to be proved by the Oath of One sufficient Witness, besides the Informer, before One or more Justice or Justices of the Peace, who upon Complaint thereof made, shall issue out his Warrant to the Constable of the Hundred, or to such other Person or Persons, as such Justice or Justices shall think fit, to bring before him or them the Person or Persons against whom such Complaint shall be made, and the Witness or Witnesses, which the Complainant shall name; which Justice or Justices shall have full Authority, by Virtue of this Act, to hear and determine the Matter; and upon such Proof the Justice or Justices shall issue his or their Warrant to the Sheriff of such County, to levy the same Fines by Distress and Sale of the Goods and Chattels of the Person or Persons having so offended; and in Default of Goods or Chattels, to be shewn by such Offender or Offenders to such Sheriff, that then such Sheriff shall be, and is hereby impowered to levy the same upon the Body or Bodies of him or them, and shall, on Receipt of such Fines, forthwith pay One Half of such Fine to the Informer, and render an Account of the other Half to the Justices of such County, at the Time of the Laying the then next Levy for such County, to be applied towards the Defraying the same County Charge, as aforesaid.

Provided nevertheless, That in case any Servant, or Slave, shall be accused of any Fact prohibited by this Law, and that it shall appear to the Justice or Justices, before whom such Accusation shall be made or examined, that such Servant, or Slave, is Guilty of the Fact, whereof he or she shall be so

accused, but that such Fact was committed by the Direction, Order, or Approbation of the Master, Mistress, Dame, or Overseer of such Servant, or Slave; that then such Master, Mistress, Dame, or Overseer, shall, upon Conviction of such Directions, Order, or Approbation, as aforesaid, in Manner above prescribed, be liable to the same Forfeitures, as if such Fact had been personally committed by the Person so Directing, Ordering, or Approving the same: But if such Fact shall appear to such Justice or Justices, as aforesaid, to have been voluntarily committed by such Servant, or Slave, without any such Directions, Order, or Approbation, as aforesaid, that then such Servant, or Slave, being convict thereof in Manner aforesaid, shall, in Default of the Payment of the Fine or Fines, as above by this Act imposed, forthwith suffer Corporal Punishment, by being whipt with so many Stripes on his or their bare Back, as to the Justice or Justices, before whom such Conviction shall happen, shall seem meet, not exceeding Thirty nine. Baskett

Provided nevertheless, That this Act, or any thing therein contained, shall not extend, or be construed to extend, to hinder or debar any Persons whatsoever, from Striking Whales, Sharks, Porpoises, Sturgeon, Stingraes, Skates, or Garfish, in the Day-time, within the Precincts aforesaid, nor any other sort of Fish, at any Time, upon the Sea-side.

Pass'd November 15th 1712.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, Oct. 27 to Nov. 14, 1713.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

EDWARD LLOYD,
President of Council.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss. U. H. J. p. 799

At the Council held in the Council Chamber in the City of Annapolis the 27th day of October in the twelfth year of the Reign of our Sovereign Lady Ann by the Grace of God of Great Brittain France and Ireland Queen Defender of the Faith &c Annoq Domini 1713

Present

The Honourable Edward Lloyd Esqr President of her Majesty's Honourable Council

Col Wm Holland
Col Thos Ennalls
Samuel Young Esqr
Col Thos Greenfield

Col Wm Whittington
Lt Col Thos Addison
Lt Col Richd Tilghman

This being the day appointed for the meeting of the General Assembly The honble President was pleased to acquaint the members of the Board now present with what he intended to say to them which was approved of

The Case of Sr Thomas Lawrence her Majesty's Secretary being therein very earnestly recommended to the Delegates by the honble President

Lt Col Hoskins Lt Col Tilghman Ward Major Hammond & Mr Samuel Worthington came & acquainted the honble p. 800
President that a Sufficient number of their Delegates were met to make up an House

The Honble Samuel Young Esqr & Lt Col Tilghman are sent to acquaint Mr Speaker & the House of Delegates that the Honourable Presid^{t} is ready to receive them in the Council Chamber

They return and say they have delivered their Message.

Whereupon Mr Speaker & the members of the House of Delegates came to the Council Chamber and the honble President was pleased to speak to them as followeth. Viz.

Mr Speaker & you Gentlemen of the House of Delegates

Nothing of Consequence happening since the last Session I have with the advice of her Majesty's honourable Council as well as by my own Inclination delayed Convening you till this time I perswade myself you will approve my Conduct therein and will now heartily join with us in concerting the Speediest Methods for accomplishing the necessary Business of this

U. H. J. Session and raising such supplys as may be wanting to defray the Charge of this present year I acquainted you last Session that I am restrained from passing any Laws in the absence of a Governour in chief but what are immediately necessary for the preservation of the peace & Welfare of the Province— without her Majesty's particular order for that purpose. I doubt not but it is yet fresh in your memorys for which reason I expect you will not move me to act contrary to what I am so
p. 801 Strictly charged with considering you will reap no other Advantage than to prolong this Session and burthen the Country with charge

Gentlemen S[r] Thomas Lawrence her Majesty's Secretary of this Province believing himself hardly used in being kept out of the Benefitt arising by ordinary Licences upon a further Representation of his Case has obtained her Majesty's order requiring me at the first Assembly which shall meet after receipt thereof to signify to you in the most earnest manner that notwithstanding the several orders made in Council and Letters her Majesty has been pleased to write in his Behalf after his Case had been fully examined by the Commissioners of Trade and Plantations and the Attorny General Who all agreed in representing the Hardships thereof, He has hitherto met with no complyance. For which reason her Majesty is pleased to Signify her Will and Pleasure and to command me to acquaint you She expects you should forthwith pass a Law for regulating ordinarys without Limitation of Time or at least for a longer Duration than It hath hitherto been made & that the Benefitts of the Licences be thereby appropriated to the use of the Secretary for the Time being; as fully & to all Intents & Purposes as the said S[r] Thomas Lawrence or any other Secretary of this her Province hath at any time heretofore had or lawfully Enjoyed And that she does further expect you to give unto the same S[r] Tho[s] Lawrence an equitable
p. 802 Consideration for the mean profitts of the said Office which he hath lost since the year 1704

M[r] Speaker and you Gentlemen shall have the perusal of her Majesty's above recited order by which you will see how Strictly I am commanded to press these matters home to you and doubt not but you will take it into your serious Consideration and prudently Show your ready compliance in a matter that has so often been adjudged to be his right

After which they withdrew

Cap[t] James Frisby Major Story & Cap[t] Scott came and presented Col James Smallwood a Delegate for Charles County L[t] Col Edward Blay a Delegate for Kent County M[r]

Matthias Vanderheyden & Mr Peregrine Frisby two other U. H. J.
Delegates for Cecil County to be qualifyed by taking the
Oaths according to Law Which the sd new chosen Delegates
did in their presence and signed to the Abjuration Oath &
Test & then withdrew

The honble John Dorsey Esqr one of the members of this
Board Sent his Letter desiring his Attendance might be
excused for a few days which was admitted of

The Council Adjourned till Eight of the Clock to morrow
morning

Wednesday October the 28th 1713

The Council Sate Present as yesterday with the addition
of Lt Col Greenberry

Resolved the following Message be sent to the House.

By the President & Council in Assembly
Oct. 28th 1713.

Gentlemen We have herewith sent you her Majestys Com-
mands in her Letter of the 20th of October 1712 & her Order
in Council of the 30th of March 1710 in favour of Sr Thomas
Lawrence Barrt

Resolved the afd Message be sent to the Delegates by four p. 803
of the Members of this Board.

Accordingly the same was sent by Col Ennalls Samuel
Young Esqr Col Addison and Col Tilghman

Who return and say they have delivered their message

Mr Tyler and Mr Ennalls bring from the House of Delegates

By the House of Delegates
October the 28th 1713

We find by the Journalls of our House in November 1709
that we addressed her Majesty in full answer to Sr Thomas
Lawrence's Complaint by any thing that appears by her
Majestys last order this day transmitted us we cannot find the
same was ever presented to her Majesty We desire your
Honours to inform us if ever they were transmitted to England

Signed p order R Dallam Cl ho Del.

To which the following answer was sent by Col Addison
Viz.

By the President & Council in Assembly
October the 28th 1713

Gentlemen—

In answer to your Message by Mr Tyler and Mr Ennalls
we can assure you that the Address you say you made her

U. H. J. Majesty in the year 1709 in full answer to Sr Thos Lawrences complaint if ever committed to our Care was transmitted to the Lords Commissioners of Trade & Plantations but whether the then Assembly recommended it to our Care or not, or that It ever was presented to her Majesty (seeing we have no Agent in Great Brittain to transact Affairs on behalf of the Province) We cannot Say

Signed p order W Bladen Cl Coun.

p. 804 The Board adjourned till 8 of the Clock to morrow morning

Thursday October the 29th 1713

The Council Sate Present as yesterday

Mr Tyler and Mr Solomon Wright bring from the House the following Message Viz

By the House of Delegates
October 29th 1713

This House being informed that the Land & other Records are much damnifyed we humbly desire that some of her Majesty's honourable Council may be joined with some of the members of this House to enquire into the same & of the proper methods for the better preservation of those records for the future

Signed p order R Dallam Cl Ho Del.

Which being read & thought reasonable the following answer was sent thereto by Col Ennalls.

By the President & Council in Assembly
October the 29th 1713

We approve of your proposal for appointing some of the members of your House together with some of this Board to enquire into the State of the Land and other Records And when you let us know what members of your House are appointed for that Service and the time when we shall take care to join some of our Board with them.

Signed p order W Bladen Cl Coun.

The Petition of diverse Inhabitants Planters in Prince Georges County setting forth their being become much indebted by reason of their late great Losses by the Enemy and
p. 805 low prices of Tobacco & praying the President & Council to

find out some Speedy relief against the ill practices of Sher- U. H. J.
riffs selling men's Estates for little Value to the ruin of their Widows and Orphans being read this Board are pleased to declare that they have already represented the deplorable Circumstances of the Province in General to the Right honourable the Lords Commissioners of Trade and Plantations and desired their Lordships to lay them before her most Sacred Majesty in order to the Advancing the Value of tobacco in great Brittain. And as to the particular Complaints of the ill practice of Sherriffs (if any such illegal or indirect practice be made appear to be used by any Sherriff in Selling the Estates of any the Inhabitants at under Rates) This Board will advise the honble President to punish such Sherriff or Sherriffs not only by displacing them but by giving directions that they shall be prosecuted according to the utmost Severity of the Law

L[t] Col Hoskins & seven more of the Delegates brought up the following Answer to the honourable President's Speech at the opening of the Session Viz.

To the honble Edward Lloyd Esq[r] President of her Majesty's honourable Council in Maryland & Commander in chief thereof

We acknowledge ourselves abundantly obliged to return our hearty thanks not only for your prudent timeing of this Session but for the generous regard you have at all times had for the Honour of her Majesty for making easy the annual Charge of the Province and for the general Welfare of the Inhabitants thereof And as we have hitherto had Sufficient p. 806
Reason to applaud the Ingenuity of your Administration in making your Duty to her Majesty and love to her Subjects so eminently appear that none Can accuse you of neglect in Either We hope we shall not have less reason so to do at the End of this Session than heretofore we have had

We shall be very glad of the opportunity of joining with you and her Majesty's honourable Council in the dispatching the Business of this Session & making it as short as the present Exigencies of the Province will allow but as the very meeting of this General Assembly is a considerable Charge & the setting thereof the greatest which we are to tax we hope we shall do more before we part than barely tax that charge our meeting has created

Her Majesty's Instructions are so well remembered that we shall not propose the passing any Acts that are not immediately necessary for the peace & Welfare of this Province And therefore We assure ourselves of the more ready Concurrence of your Honour and her Majesty's honble Council here to

U. H. J. those we shall propose that are. By this means we hope the Session may be made both Short & Serviceable

We shall pay a due regard to her Majesty's order relating to S[r] Thomas Lawrence's Claim and shall examine the Journals and proceedings of former Assemblys in reference thereto &
p. 807 give your Honour a true State of that Case

Signed p order of the House of Delegates

29th Octob 1713 p R Dallam Cl Ho Del

L[t] Col Hoskins & five other Delegates bring from the House Viz

By the House of Delegates
October 29th 1713

We have considered your Message by Col Addison and are sorry to find so little regard had to the Addresses of this House to her Majesty. We have resolved to address her Majesty in relation to S[r] Tho[s] Lawrence and for the better Security of having such Address presented have resolved on the imploying an Agent & desire your Honours will not only join with us in that Address but recommend to us some Person you think capable of serving the Country therein and to that End pray a Conference thereon with our members under noted at such Time & place as your Honours shall appoint

Signed p order R Dallam Cl Ho Del

Col Ward	Cap[t] Jones
M[r] Worthington	Col John Macall
M[r] Tyler	Col Hoskins

In answer whereto the following Message was drawn up & sent to the House by Col Holland Col Ennalls Col Greenberry & Col Whittington

By the President and Council in Assembly
October the 29th 1713

In answer to your Message by Col Hoskins & five others
p. 808 of your members We know not what reason you have to complain to us of the little regard had to the addresses of your house or what It is you tax us with as to your Resolve of addressing her Majesty in relation to S[r] Tho[s] Lawrences Complaint and imploying an Agent to take Care of the Delivery thereof & desire we should join with you in such Address & recommend to you a capable Person to Serve the Country on this occasion.

Her Majesty having so expressly declared her Royal Will and Pleasure in favour of Sr Thomas Lawrence We do not think fitt to join in any Address contrary to her pleasure so often and so particularly declared both by her Letters and Orders in Council. And thô we think it absolutely necessary for the good & Welfare of the Province and should be heartily glad to join with you in appointing a capable Person to be Agent for and represent this Province on all occasions U. H. J.

Yet if we should Concur to appoint an Agent particularly on this Score It would seem in us a manifest opposition of her Majesty's Commands

Wherefore we cannot agree to the Conference desired & therefore once more earnestly desire you will maturely and with the greatest Caution consider what may be the ill Consequence of refusing a due Compliance to her Majestys most Sacred Commands now before you

Signed p order W Bladen Cl Coun.

Col Hoskins and three others brought up the following reply to the answer of this Board in relation to the Land Records Viz.

By the House of Delegates p. 809
October the 29th 1713

In reply to your Message this Day by Col Ennalls We have appointed Col Philip Hoskins Mr James Frisby Capt Richard Jones and Mr James Macall members of this House to join with the members of her Majesty's honourable Council to enquire into the State of the Land and other Records this afternoon or when your Honours think fitt

Signed p order Richard Dallam Cl Ho Del.

By the Council in Assembly.
October the 30th 1713

On Consideration whereof Resolved that the honble Samuel Young Esqr & Lt Col Charles Greenberry join with the members of the House of Delegates to enquire into the State of the Land and other Records and give them notice that they will attend that Service to morrow

Signed p order Wm Bladen Cl Coun.

And notice thereof was sent by the honourable Samuel Young Esqr

The petition of Robert Scott & Charles Neale Executors

U. H. J. of Raphael Haywood late of S[t] Marys County Planter deceased pray that a private Act may pass this Session to perpetuate the Succession of the Testator's Estate in the Petitioners being read at the Board and referred to the Consideration of the House of Delegates by Samuel Young Esq[r]

The Petition of Straten Burten referred to the House of Delegates for reasonable Allowance. And sent by Col Whittington

L[t] Col Tilghman Ward and five others brought from the House Viz.

p. 810

By the House of Delegates
October the 29th 1713

In our message by Col Hoskins & others we did not tax your Honours with any disregard had by that of any of our Addresses but complain of some hardships we lye under for want of having that Address presented and very readily acquaint your Honours of our resolve of addressing her Majesty relating to S[r] Thomas Lawrence And upon reading your message referred from last Session relating to an Agent Resolved on the employing one on all occasions, And tho your Honours do not think fitt to join with us in the Address, Yet we hope you will concur with us in appointing an Agent and agree to the Conference desired for that purpose and doubt not but we shall give your Honours such Demonstrations of our Duty and obedience to her Majesty's Commands as will be to your Satisfaction

Signed p order R Dallam Cl Ho Del.

Resolved that Col Addison and Col Tilghman carry the following Message to the House of Delegates Viz.

By the Council in Assembly
29th October 1713

On Consideration of your Message by L[t] Col Tilghman Ward and Others of your House, We shall readily concur with you in appointing an Agent in Gr. Britt: being truly Sensible It will redound to the great Benefit of the Country

Signed p order W[m] Bladen Cl Coun.

Fryday October the 30th 1713

p. 811 The Council Sate Present as yesterday

The Accompt of John Hall Esq[r] of his and others Expences and Services going to Conestaugoa being produced to the

Board Resolved It be recommended to the house of Delegates U. H. J.
with the following Message which was sent by Col Ennalls &
Col Addison Viz.

By the Honble President & Council in Assembly
October the 30th 1713

Upon the Emperour of Nanticokes leaving his Indians last Winter this Board understanding he was gone up to the Susquehannahs and being apprehensive he might insinuate that he had received some injury from the English and endeavour to obtain some Assistance to reduce his own People or otherwise molest this Government We thought it advisable to prevent the Northern Indians giving him too Easy Credit to send the honble John Hall Esqr Col James Maxwell & Major James Philips to the Indians on Susquehannah to discourse them on that occasion Whereupon the said Gentlemen made the return herewith laid before you as We then did so we have still great Reason to believe the said Messengers on that occasion did particular Service to the province and Quieted the fears of many of the Inhabitants Wherefore we desire you will see them handsomely satisfyed for their Labour, A rough draught or Account whereof is herewith sent you It being likewise thought adviseable to acquaint the Nanticokes with the purport of that message & return made by the Gentlemen least they should have any Suspicion We had treated with the Susquehannahs to their prejudice, The honble Col Ennalls Major Hicks and Mr Hudson were ordered to acquaint them p. 812
therewith and at the same time present them with twelve yards of Stroud Water for which we desire Col Ennalls may be allowed his Account of five pounds six shill

Signed p order Wm Bladen Cl Coun.

Lt Col Matt Tilghman Ward & five others brought up Viz

By the House of Delegates
October the 30th 1713

In reply to your Message this Day by the honble Col Addison and Col Tilghman relating to appointing an Agent We have appointed Col Ward Mr Worthington Mr Tyler Capt Jones Col Macall & Col Hoskins members of this House to join in Conference with the members of her Majesty's honble Council on that Subject this Day at Mr Dodds if your Honours think fitt

Signed p Order R Dallam Cl ho Del

U. H. J. Resolved that the honble Col Holland Samuel Young Esqr and Col Tilghman be appointed Conferees to join with the House's members on the Subject matter of appointing an Agent for this Province and that they acquaint Mr Speaker & the Delegates that they are ready to attend the Conference at Mr Dodds

Lt Col Matt. Tilghman Ward and the other five Delegates af^{d} brought up a Bill for the naturalization of Stephen Rich and others read in their house the first and second times & Endorsed will pass

p. 813 Which being read in Council was Endorsed

Read the first time & will pass As to Stephen Rich & Jno Lornee and their Children; but the Board does not think it reasonable to naturalize the Inhabitants of another Province Viz Char^{s} Pasteur.

Also a private Bill for the relief of John Coale of Charles County Carpenter read the first & second times and Endorsed will pass.

Which being read at the Board was Endorsed

Read at the Board the first time & recommended that Mr Wm Bladen who claims an Interest in the Lands in the Bill mentioned be heard thereto before the Bill pass

Mr Cheseldyne & Capt Watts came from the Delegates to see Mr John Phelps Naval Officer of Potowmack make Oath to his Accounts which he did in their presence at this Board the said Accounts Ending the 24th Inst^{t}.

The Board being informed that several Masters of Ships have lain in Potowmack on the Maryland Side and taken in Tob^{o} without Entering with the officers in this Province or paying the Maryland Dutys Mr Phelps was cautioned by the Honble President to take care to prevent such ill practices for the future and to levy the Country Dutys & to compell such Ships to enter with him and Mr James Bowles the Collector

Major Sprigg & Mr Fendall bring up a Bill for the relief of
p. 814 Henry Acton of Prince Georges County in making Valid and Effectual a certain Deed of Bargain and Sale from Gilbert Clark to John Bayne Endorsed

By the House of Delegates
30th October 1713

Read the first and second times by especial order & will pass.

Which was read at the Board the same day & Endorsed will pass. U. H. J.

The three private Bills before mentioned were sent with the several Endorsements thereon to the Delegates by Col Whittington and Col Addison

Mr Colegate & Mr Talbott bring up the Bill for the naturalization of Stephen Rich & others Endorsed by the House that Charles Pasture has purchased some Land in Baltimore County at Bush River and is removing himself & Family there. For which Reasons with his taking the Oaths &c We agree to the Bill and pray it may pass. Which being considered the Bill was again Endorsed by the Council

We think it will be time enough to naturalize Charles Pasteur when he is actually an Inhabitant of this Province

Signed p order Wm Bladen Cl Coun.

Also the Bill for relief of John Coale the Consideration of the Land being averred to be Satisfyed was Endorsed will pass & sent to the House by Col Tilghman

The members of this Board appointed to confer with others of the House of Delegates about appointing an Agent in England bring in the following report Viz

Att a Conference held at the House of Mr Dodd to consider of the Ways & Methods to establish an Agent in England for the service of this province p. 815

Conferees appointed from the Council are Col Holland Samuel Young & Richard Tilghman Esq^rs^

From the House of Assembly are Lt Col Matt Tilghman Ward Mr Saml Worthington Mr Tyler Capt Jones Col Macall Col Hoskins

Who proceeded to make choice of a Chairman, and Elected Col Holland Chairman

Upon the matter relating to an Agent maturely debated they are humbly of opinion that Col Nathan^l^ Blakiston is a very fitt person to serve the Country in that Station to which they agree and the Sallary of 120^lb^ Sterl be annually allowed him during the time he shall continue in that Station.

The said Report being read and Considered was approved of

The Board adjourn till Eight of the Clock to Morrow morning

U. H. J. Saturday October the 31st 1713

The Council Sate Present as yesterday

And Lt Col Matt. Tilghman Ward & three more brought from the House the afd Report of the Conference about the method of establishing an Agent Assented and agreed to by the House of Delegates which was also assented to by this Board & returned to the House by Samuel Young Esqr & Col Tilghman

Mr Colegate and three others brought up Viz

By the House of Delegates
31st October 1713

p. 816 We return your Honours all dutifull acknowledgements of your Care in sending such Worthy persons to the Northern and Nanticoke Indians on the Emperour of the Nanticokes leaving his People and highly approve your Honours Conduct therein and hope that you will on all occasions continue your usual Care in such matters. We have given Orders to the Committee of Accounts to make those Gentlemen & Others by them employed such Allowances as We hope & Expect will be to their Satisfaction

Signed ꝑ order Rd Dallam Cl Ho Del.

The Petition of John Smith of Cecil County read & referred to the Consideration of the House of Delegates

Mr Macall & Mr Broome came with Mr Rousby Naval Officer of Patuxent to see him sworn to the Accompts of his Collection this year which he did in their presence

The said Mr Rousby as Receiver of Patuxent district also made oath to his Accompts of the 3d ꝑ hhd and 9d ꝑ hhd collected this present year

Mr Amos Garrett and three more brought up a Supplementary Bill to the Act for the better administration of Justice in probat of Wills &c

A Bill permitting the Inhabitants of this Province to issue out Writts in their own proper Persons &c.

And a Bill to restrain the ill practice used by Sherriffs &c. Ordered the said Bill be read now & lye upon the Table to be considered on Monday next

p. 817 Lt Col Hammond & Capt Colegate brought from the House Viz

By the House of Delegates
October the 31st 1713

Col James Maxwell the Undertaker for building of Baltimore County Court House pursuant to the Ordinance made

last Assembly laid before this House the Agreem[t] made with U. H. J.
him by the Justices for building that Court House at Joppa.
We have heard debated & Considered the same and find no
material objections thereto only It is said the House is not
quite finished. Therefore Resolved that the Justices of that
County may proceed therein according to their Discretions
notwithstanding the af[d] Ordinance to which We desire your
Honour's Concurrence

Signed p order R Dallam Cl Ho Del.

Which was agreed to by the Council & sent the House by
Col Whittington

The Board Adjourned till Eight of the Clock on Monday
morning

Monday November 2[d] 1713

The Honourable her Majesty's Council Sate

Present

The honble Edward Lloyd Esq[r] President

Col Tho[s] Ennalls, Sam[l] Young Esq[r], L[t] Col Cha[s] Greenberry
Col W[m] Whittington & Col Tho[s] Addison

M[r] Talbott & three other Members brought up A Bill for
the relief of Debtors & ascertaining the Tenders in Tob°
which being read at the Board It was recommended to the
House to add a Clause to punish such as false pack Tob°

A Bill for killing Wolves Crows & Squirrels read and p. 818
recommended that for the more effectual destroying of Wolves
the same Encouragement be allowed the Indians as the
English

And a Bill for relief of Josiah Crouch of Kent County in
confirming a certain Sale of Lands from W[m] Crouch to him
and his Heirs which was read and Endorsed will pass

The af[d] Bills & John Smiths Petition Sent to the House by
Samuel Young Esq[r]

M[r] James Lloyd and three more brought up the petition of
Major John Rousby Naval Officer of Patuxent praying the
Treasurer of the Western Shoar may be obliged to take of
him what Gold he has received for publick Dues this year

Also offering for two p Cent more than the Sallary now
allowed him to bring the mony up to Annapolis and pay it to
such person as he shall be directed by the Committee for
appointing the publick Levy

U. H. J. To the first part whereof the Delegates had expressed their opinion that they thought it very reasonable the Treasurer should take the Gold and as to the Latter part that the offer was very generous to save the Country the Charge of 3 ꝑ Cent and that the Treasurer is such an Officer as may very well be spared especially if all the Naval Officers give very good Security—It not being known what Security the present Treasurers give

The said Petition was Endorsed Viz.

p. 819 On Consideration whereof this Board do direct the publick Treasurer to take the Gold received by the Naval Officer but as to laying aside that Officer he being appointed by Law We cannot consent thereto especially if he gives good security for his Office and notwithstanding the Offer of one Naval Officer to bring the mony to Annapolis and pay it to such person to whom the same shall be ordered by the Committee for appointing the publick Levy the Rest of the Naval Officers may not be willing thereto We do not know of any Security given by the Treasurers of either the Eastern or Western Shoars for the discharge of their Offices; and sent to the House by Col Greenberry with Mr Rousby's petition

Mr Cheseldyne & Mr Whittington brought up the Bill for killing Wolves &c with the Amendments proposed by this Board which was read again at this Board Endorsed will pass and sent to the house by the Honourable Col Addison

Came Col Holland & Col Tilghman & were added to the Board

The Petition of Mr John Rousby Naval Officer of Patuxent praying the sense of this Assembly whither It be his Duty to bring what mony he receives for Country Dutys to the Treasurer at Annapolis or that the Treasurer should fetch it from the Naval Officer; and in Case the Naval Officer is obliged to bring it up, in case of any Robbery or miscarriage It may be at the publick Risque being read; It is the opinion of this
p. 820 Board that whereas the Naval Officer is obliged to account with the Treasurer and by the Act imposing 3^{d} ꝑ hd^{d} to the Country pay him for the Duty he receives, 'Tis the Naval Officers Business to bring the mony to the Treasurer as usual but as to the risque of Miscarriage in bringing it up we refer that to the Consideration of the House of Delegates which was Endorsed so and was Sent to the house by Col Addison.

Lt Col Matt Tilghman Ward and five others brought up the Message following Viz.

U. H. J.

By the House of Delegates
November the 2d 1713

In reply to your Message this day by the honourable Col Greenberry this House say they known of no Law to appoint the Treasurers, & Since your Honours know of no security given by them We think those officers may the more easily be discharged for certainly if there be any Law to appoint them It obliges them to give security and we are of opinion that the right both of appointing & directing the Treasurers is in this House And we are Satisfyed no Treasurer ought to be but what is appointed or at least recommended by this House and continue no longer than they think fitt, neither do they think it convenient that a Treasurer should be a member of her Majesty's honourable Council or be directed any ways but by this House to pay any mony raised for the Country's Service

Signed p order R Dallam Cl Ho Del.

The Board adjourned till Eight of the Clock to Morrow Morning

p. 821

Tuesday November the 3d 1713

The Council Sate Present as yesterday

The Reply of the House last night by Col Ward & others being taken into Consideration Resolved the following Answer be sent thereto Viz

By the Council in Assembly
Novembr 3d 1713

The present publick Treasurers having been many years since appointed If there was any Omission in their not giving Security It lies not at our door thô It may be yet rectifyed.

We find those officers mentioned in Several Laws & particularly in that now in force for the Imposts on Rum Wine negros Irish Servants &c And wherein It is expressly provided They shall give security to render and pay those Dutys (to them to be accounted for by the Naval Officers) to the next meeting of Assembly

As for a Treasurer being a member of this Board we cannot see how It renders him the less Serviceable to the Country or any ways more immediately lyable to any Command in relation to his office from this Board nor have we ever taken upon us without your Concurrence to direct the Treasurers to pay away any of the Country's Stock in their Hands And if you are pleased to peruse the Act imposing 3d p hhd to the

U. H. J. Country you will find the Naval Officers are obliged to receive that Duty and account therefore & pay the same to the publick Treasurers. As to appointing & discharging the Treasurers if you should persist in your opinion of your Absolute Authority therein we wish you well to consider how far you are able to proceed in it without the Concurrence of this
p. 822 Board

Signed p order Wm Bladen Cl Coun.

Sent to the House by Col Greenberry Col Addison and Col Tilghman.

Mr Broom and Mr Charles Wright brought up the Bill for relief of Debtors & ascertaining the manner of Tenders in Tob^o^

Lt Col Macall and five others brought up Viz.

By the House of Delegates
Novem^r^ 3^d^ 1713

This House have resolved to address her Majesty and remonstrate to the Lords Comm^rs^ of Trade & Plantations the many and insupportable difficultys the Tob^o^ Trade lyeth under and desire the hon:ble Council will join with us in such Address and appoint a member or two of their honourable Board to join with some members of this House in drawing up the same this Afternoon

Signed p order R Dallam Cl Ho Del.

Capt James Frisby and Mr Brooke brought up

By the House of Delegates
November the 3^d^ 1713

The Members of this House are desirous to have part of their Allowance for defraying their expences in mony and desire to know if the honble Council will have any mony alotted them & how much. Also that the publick Treasurers lay before the Comm^rs^ of Accompts their publick Accompts that the same Committee may close their Journal this day

Signed p order R Dallam Cl Del.

p. 823 The Message by Lt Col Mackall and five others being taken into Consideration, Wherein the House of Delegates desire the members of this Board to join with them in addressing her Majesty and remonstrating to the Right Honourable the Lords Comm^rs^ of Trade & Plantations the many insupportable Difficultys the Tob^o^ Trade lies under, The Board do declare

themselves very ready & willing to join with the Delegates in U. H. J.
any thing that may be reasonably Proposed for the Advantage
of the Country but taking notice that notwithstanding the
most urgent recommendations both from the honourable
President and themselves pressing the Delegates to give
ready Obedience & Complyance to her Majesty's Commands
relating to the Ordinary Licences the House have not yet
acquainted us with any Steps they have made thereto
Resolved the following message be sent them Viz.

By the Council in Assembly
November the 3^{d} 1713

In answer to your Request by Col Mackall and others we
are willing to join with you not only in the Address and
remonstrance proposed but any thing else in our power which
may be for the Service of the Province; But this Board
observing that notwithstanding the most urgent recommenda-
tion to you made by the honble President at the opening of
the Session of her Majesty's positive Commands in Behalf of
Sr Thomas Lawrence her Secretary of this Province you have
not yet acquainted this Board with any Steps you have taken
in complyance thereto we know not what assurance we can p. 824
have to meet her Majestys Gracious Favours in any thing thô
never so reasonable which we may request in Concert with
you therefore we once more wish you prudently & cautiously
to consider her Majesty's Commands laid before you and
endeavour by your ready complyance therewith to Entitule
your selves & Country to her Majesty's Grace & favour. For
notwithstanding that we have as deep a sense of the misfor-
tunes of the Country and the insupportable difficultys the
Tobacco Trade labours under and are heartily willing to join
with you in any reasonable Methods to relieve the Province in
its present Exigencys Yet we must needs tell you should you
not pay a just & awful Deference to the royal Commands of
our Sovereign we can have but little Confidence she should
Extend her Bounty & Favours to us

Signed p order W Bladen Cl Coun.

The Board adjourned till eight of the Clock to morrow morning

Wednesday November the 4. 1713

The Council Sate Present as yesterday with the addition of Mr Philemon Lloyd

The Bill to restrain the ill practice of Sherriffs on fieri facias read & Endorsed—

U. H. J.

By the Council in Assembly
November the 4th 1713

On Consideration of this Bill this Board is of opinion that
p. 825 the latter part obliging the Creditors to take Goods at such Value that none will give, Shews so great Injustice to Creditors and will necessarily discourage Trade that we cannot agree to it.

The Supplementary Bill to the Act for better Administration of Justice in Probat of Wills &c being read was ordered to be Endorsed

The Original Act for administration of Justice in Probat of Wills, will upon the Arrival of a Governour in chief want Revising. And for that there are some objections against this Bill now proposed we desire that the Consideration thereof may be referred till the Arrival of a Capt General

The Bill permitting the Inhabitants of this Province to Sue out Writts and confess Judgments in their proper Persons was Ordered to be Endorsed

By the Council in Assembly
Novemr 4th 1713

We are of opinion if this Bill should pass It would introduce a great deal of Confusion in the Courts of Common Law. But as to the Liberty of Confessing Judgements in their proper persons after Baile given 'tis so reasonable we are told 'tis always so practised in the Provincial and most of the County Courts But if any of the County Courts refuse to admitt thereof, This opinion of our Board with the Concurrence of your House thereto will be a means to rectify it and therefore we think the Bill needless

The said three Bills sent to the House by Col Ennalls and Col Tilghman.

Col Blay and five more brought up Viz.

By the House of Delegates
Novemr 4. 1713

p. 826 In answer to your Message yesterday by the honble Col Greenberry Col Addison and Col Tilghman relating to the publick Treasurers having been many years appointed & their not giving Security to be none of your omission As to the first we say we have more Honour for your Honble Board

than to harbour any thoughts that you can be of opinion that U. H. J.
if any officer be once thought necessary and appointed It makes
that office perpetual and when found to be of no use the
Officer cannot be removed as to the latter we never had the
least Notion that they not giving Security is any of our omis-
sion Neither do we believe that the bare naming of those
Officers in any Act of Assembly is such a Confirmation to
make the Officer perpetual and that the Naval Officers for
that reason cannot be ordered otherwise to pay the mony
but desire your Honours maturely to consider the ill conse-
quences of such Construction, for by that if an officer be once
appointed It will be accounted perpetual. We charge not
your Honours with giving any Commands to the Treasurers
for paying any mony without the Concurrence of this House
And as to the Treasurer being a member of your House We
believe he is not thereby made the less Serviceable to the
Country but think it to be very inconvenient he should be so,
so far that thereby He thinks himself above answering before
us, & that poor people are thereby under some apprehension
of his Grandeur and have not the same Access to him as if he
was not a member of your Board neither has it ever been so
as we know of till the present Treasurer of the Western p. 827
Shore's Time. We never pretended that the absolute Authority
of appointing Treasurers was in us without your honble Con-
currence Well knowing your Honours to be both a good and
useful part of the Legislative power of this Province; But we
believe your Honours and this House without the Consent of
a Governour can appoint either or discharge such Officers and
think no Time better than now and have resolved upon the
Question that the present Treasurers be discharged and upon
our recommending others and your Honours Concurrence that
they give such Security as shall be approved of by your
Honours & this House to answer the Country in Case of the
Treasurers Death or Insolvency and that a particular Clause
be inserted in such Bond that the Treasurers shall pay the
mony according to their directions without exacting any thing
for prompt paym^{t} which has been an Imposition too frequently
made use of to the Damage of many people and we think
below the Dignity of that Officer

Signed p order R Dallam Cl ho Del.

By the Council in Assembly
November 4th 1713

We cannot be of your Sentiments either that it should be
very inconvenient a member of this Board should be a publick
Treasurer, or that the Treasurer of the Western Shoar has

U. H. J. bore himself so high upon his being a Counsellour to deter any person from Access to him or any wise thought himself
p. 828 above being accountable to your House but the Inconveniencies hinted from his being so are barely imaginary when the publick Stock is overdrawn in the Treasurers Hands Scarce any will advance their own mony without some reasonable Consideration therefore We have no objection to Mr Young's Integrity or Diligence, Yet if you are fully resolved to recommend new Treasurers upon your Offering fit & proper Persons for that Trust we shall be ready to concur with you

Signed p order W Bladen Cl. Coun.

Sent to the house by Col Greenberry & Col Whittington Col Macall & Seven others brought up Viz.

By the House of Delegates
November the 4th 1713

The Message yesterday by Col Holland Col Ennalls & Col Tilghman we have read & considered as to such part thereof as relates to Sr Thomas Lawrence in answer to the Honble Presidents Speech at the opening this Session We assured you that we should pay a due regard to her Majesty's order relating to Sr Thos^s^ Lawrences Claims & should examine the Journals and Proceedings of former Assemblys in reference thereto and give your Honours a true State of the Case which we expected would have satisfied as to our Intentions

We are very sorry your Honours have no more regard for us than to distrust our Integrity in any thing we say (and saving the Liberty and Priviledges of our House which we take by that Message to be infringed) We acquaint your Honours why we have not yet laid the same before you as followeth Viz.

p. 829 We have ever since had a Committee out to examine into the same and report their opinion therein to the House that we may consider thereof and lay the same before your Honours but the Records Journalls & Papers by that Officers neglect carelessness or design are so damnifyed imbezelled or mislaid that It gives us abundance of Trouble in the Case & hinders our accomplishing the same so soon as we could wish We shall always be ready to pay a dutiful & awful deference to her Majesty's Commands & Shew ourselves dutiful & Loyal Subjects & cannot doubt of meeting her Majesty's Grace and favour in any reasonable thing we desire notwithstanding the false Suggestion of any one when her Majesty is made

truly sensible of the Truth of our Condition, And when the U. H. J.
Committee appointed by you and us to inspect the Records
make their report We believe your Honours will be made
Sensible of the Deserts of Sr Thos Lawrence

As to the other part of your Message relating to the joining
with us in the Address & Remonstrance about the Tob^{o} Trade
We gratefully acknowledge your readiness therein and desire
the members may meet thereon with all Expedition

Signed p order R Dallam Cl ho Del.

Which being read & Considered Ordered the following
Message be sent thereto Viz.

By the Council in Assembly
November the 4th 1713

When you let us know what members of your House you
appoint to draw up the Address to her Majesty and remon- p. 830
strance to the Lords Comm^{rs} of Trade & Plantations about
the Tob^{o} Trade and where they will meet the members of this
Board you desire may be joined with them We shall direct
some of our Board to meet & join them in that Service

Signed p order W Bladen Cl Coun.

Sent by Col Addison & Mr Lloyd

Mr Jno Leach and Mr Brooke came & saw Wm Bladen sworn
to his Naval Officers Accompts

By the Council in Assembly
November the 4th 1713

In answer to your Message by Capt Frisby & Mr Brooke
wherein you desire to know what part of our Allowance for
Expences &c we would have allowed in mony we desire the
same Allowances may be made us in proportion to what is
allowed to the members of your House as to the publick
Treasurers Col Smithson is not in Town But Mr Young is
ready to lay his Accompts before you

Signed p order W Bladen Cl Coun.

Sent to the House by Samuel Young Esqr

It being represented on behalf of the honble Col Holland
Col Thomas Smith Philemon Lloyd Esqr the Executors of
Kenelm Cheseldyne Esqr & Robert Bradley Esqr that they
had never any Satisfaction for their extraordinary Trouble
imposed on them by his late Excellency Governour Seymour in
going the Circuits & being Judges of the Assizes

U. H. J. p. 831 Ordered that It be represented to the House of Delegates to consider & make them some recompense for such their extraordinary Service & Trouble

By the President & Council in Assembly
November the 4th 1713

We cannot but recommend to your Consideration the services of the honble Col Wm Holland Col Thomas Smith the late Kenelm Cheseldyne Esqr & and other Gent that were appointed by the late Governour to ride the Circuits & Act as Judges of the Assizes

The said Gentlemen we are Satisfyed were at great expences & Trouble on that occasion and could not deny the Commands of the Government then imposed upon them & which were in pursuance to her Majesty's directions to the Governour We desire you will consider the Hardships they lye under, not having dared to deny the execution of those Commissions, and since the Charge of the Provincial Court was considerably lessened thereby; not Suffer private Gentlemen & their Estates to be damnifyed in the publick Service but make them reasonable Compensation for their Trouble and Expences

Signed p order W Bladen Cl Coun.

Sent by Col Ennalls & Col Greenberry

Came Mr John Hall & was added to the Board

Mr Tyler & nine other Delegates brought up the Bill restraining the ill practices of Sherriffs in taking Goods by fieri facias & selling them by Venditioni exponas.

Col Ward & five more bring Viz

By the House of Delegates
November the 4th 1713

p. 832 We have appointed Col Ward Mr Tyler Col Macall Mr Garrett Mr Colegate Mr James Lloyd to join with the members of your honble Board to draw up the Address to her Majesty & Remonstrance to the Lords Commissioners of Trade & Plantations about the Tobacco Trade Who will be ready to meet this Evening thereon at Mr Dodds

Signed p order R Dallam Cl Ho Del.

Ordered that the honble Col Thomas Addison and Philemon Lloyd Esqr join the members of the House of Delegates appointed to draw up the Address to her Majesty & Remon-

strance to the Lords of Trade &c & meet them at Mr Dodds U. H. J. this Evening

The Board Adjourned until Eight of the Clock to morrow morning

Thursday November the 5th 1713.

The Honble her Majesty's Council Sate Present as yesterday

The Bill for Relief of Debtors & ascertaining the manner of Tenders in Tobacco being again read was thus Endorsed

By the Council in Assembly
November the 5th 1713

The Honble her Majesty's Council do concur to pass this Bill with the Amendments and do desire that a Separate Bill may be drawn & passed this Session for punishing such as are guilty of false packing Tob° as proposed by your House & sent by Col Ennalls & Col Tilghman

By the House of Delegates
November the 4th 1713

Our Sentiments relating to the present Treasurers are not p. 833 imaginary or groundless; nor is it only when the publick Stock is over drawn that advance mony is required for prompt Payment But to shew your Honours we have no particular ill Will or Grudge against those Gentlemen notwithstanding the Complaints made to us We do again nominate & recommend the Honble Saml Young Esqr and Col Thomas Smithson to be Treasurers until this house with the Concurrence of the honble Council shall discharge them therefrom provided they give good Security to Account as oft. as called before this House and not to exact any mony for prompt payment on any pretence whatsoever and pray your Honours Concurrence that you will please give Order to the Attorney General to have the Bonds drawn accordingly

Signed p order R Dallam Cl Ho Del.

Lt Col Hoskins and three more brought from the House of Delegates Viz.

By the House of Delegates
November the 5th 1713

We have Considered & debated your Message yesterday by the Honble Col Ennalls Col Greenberry & John Hall Esqr relating to paying the late Itinerant Justices (the Substance whereof we find Several times recommended to

U. H. J. former Assemblys and as oft denyed any Allowance) That Constitution being made without the Consent of this House
p. 834 who always saw the ill Convenience thereof and though you are pleased to say the Charge of the Provincial Court was considerably lessened thereby yet we are certain the Charges brought in & demanded from the publick were augmented, What Trouble and Expences those Gentlemen were at on occasion of riding the Circuits or what Damages they may suffer in their Estates thereby This House were never the occasion of And as they never on behalf of the publick requested or acquiesced in any thing relating to those Commissions for the Assizes but always shewed their aversion thereto, so they think it very unreasonable the Country should be burthened with the Charge but that those that set them to work ought to pay them for their Charges Trouble & Expences

Signed ꝑ order R Dallam Cl Ho Del.

Col Smallwood and three more brought up four Engrossed Bills Viz.

A Bill for relief of Henry Acton of Prince Georges County in making Valid & Effectual a certain Deed of Bargain and Sale from Gilbert Clark to John Bayn

A Bill for killing Wolves Crows & Squirrels

A Bill for the relief of Josiah Crouch of Kent County in confirming a certain Sale of Lands from Wm Crouch to him & his Heirs and

A Bill for the Relief of John Coal of Charles County Carpenter. Which said four Bills being assented to by the House of Delegates were likewise assented to by her Majesty's honourable Council and Sent to the House by Col Ennalls

Capt Frisby & Mr Brooke brought up a Bill for Supplying a Defect in Jer^{m} Sullivans Will

p. 835 And A Bill for relief of John Smith of Cecil County

John Dansey Esqr her Majesty's Collector of Patuxent District made Oath to his Quarterly Lists of Shipping ending at midsummer & Michaelmas last.

Also to two quarterly Lists of the one penny ꝑ pound ending at midsummer & Michaelmas af^{d}

Mr Daniel Sherwood Deputy Collector in the Port of Wm Stadt made oath to two Quarterly Lists of Shipping Ending at Midsummer & Michaelmas last

Also Mr Evan Jones Deputy Collector of the port of Annapolis made Oath to four Lists of Shipping Entring & Clearing

Ending at Christmas Lady Day Midsummer and Michaelmas last & to his Account of the one penny ꝑ hhd on Tobo Exported at Michaelmas last U. H. J

Mr Dansey makes Oath to his Receivers Accts of the 9d & 3d ꝑ hhd ending the 16th October last

Mr Dansey had Warrant to pay the Presidents dues.

The Petition of Edward Dawson complaining of the great Hardships he lyes under by reason of the Recognizance he Entred into for the good Behaviour of his negro Hannibal during his Residence in this Province and praying whereas the sd Hannibal had been of good Behaviour for about twelve months without any Complaints against him and he being obliged to sell him prays that he may be discharged from the sd Recognizance. Ordered that the said Recognizance be vacated

Fryday November the 6th 1713

The Council Sate Present as yesterday

Mr Broom & Major Woolford brought up two Bills Viz p. 836

A Bill for the more Speedy conveying of publick Letters and Packetts of this Province and defraying the Charge thereof & to prevent the breaking open & concealing any Letters whatsoever

And a Bill of Directions for the Sherriff's Office of this Province, & for the more easy payment of the publick & County Levys which were both Endorsed Read the first Time & will pass and sent to the House by Col Tilghman

Col Blay and five more brought up the Bill for restraining the ill practices of Sherriffs on executing fieri facias Which was read again & Endorsed will pass

Major Sprigg and Mr Peregrine Frisby brought up the Petition about the publick Library

Mr James Lloyd & Major Sprigg brought up a Bill ascertaining what shall be allowed to Grand & petit Jurors

Capt Scott & Mr Codd brought up the Petition of Samuel Berry of Kent County Carpenter praying a Bill might pass for his naturalization, with the resolve of the House of Delegates thereon that he be added in the Bill already agreed to by this Board whereto they pray the Councill's Concurrence

Which was readily Granted upon his taking the Oaths to the Government and Col Tilghman sent to the House therewith

The Bill restraining the ill practices by Sherriffs committed in taking Goods by fieri facias & selling them by Venditioni p. 837

U. H. J. exponas being again urged by the Delegates to pass this Session It was debated & resolved that if upon a fieri facias issued the Defendant will upon Oath shew all his Estate so that the Sheriff may levy what part thereof the Creditor or his Attorney may think fitt to direct the Creditor having Liberty to name two appraisers and the Debtor two more upon their Oaths to be administred by the Sherriff to appraise the same The Creditor shall be obliged for want of Buyers to take the Goods at their Appraism^{t}

This Law shall not be deemed to Extend to negros &c reserved in favour of orphans by Virtue of the Act for better Administration of Justice in probat of Wills

The Bill being so Endorsed was sent to the House by Col Greenberry Mr Hall and Col Tilghman

The Bill for relief of John Smith of Cecil County And The Bill for Supplying the Defect in Jeremiah Sullivan's Will being Read were Endorsed Will pass & sent to the House by Mr Hall

The Board Adjourned untill eight of the Clock on Saturday morning

Saturday November the 7th 1713.

The Council Sate Present as yesterday

The Bill for restraining the ill practices of Sheriffs upon fieri facias agreed to by the Board & sent to the House by Mr Hall & Col Addison

The Bill for ascertaining what shall be allowed to grand and petit Jurors being read the first & second times was Endorsed passed & sent to the house by Mr Lloyd.

p. 838 Col Ward and three more brought up a Bill against false packing of Tob^{o}

And a Bill for the relief of Anthony Joye

Came three Nanticoke Indians Viz Tom Coursey Pantikas and Rassekettham and acquainted the President & Council that their Emperour Atquash had left his Indians, That as they had made him Emperour if he had stayed he might have remained so but as he was gone away He should never be their Emperour any more, They would have nothing to say to him

That they had heard a Story the Emperour had applyed to the President to take off Panquash and Rassekettham's Heads and had offered him Skins & came to enquire the Truth thereof

The Honble President & all the Gentlemen of the Council

assured them that there never was any such practice or design U. H. J.
And the President was pleased to declare if the Emperour
should offer him ten thousand skins he would not consent to
any such thing

The said Indians said that in the Lord Baltimores time they
gave to the English their Hands but now they offered them
their Hearts and were resolved not to leave the Country
where they had so long lived but to live with the English as
if they had one Father and mother. They complained they
had not the Satisfaction proposed for the Robbery done by
the Malletts on their Quankosine House and the Honble Mr
Philemon Lloyd being Present declared that as the greatest
part of that mony had been lodged in his Hands he was always p. 839
ready to Satisfie them but that they would not agree whither
they would take it in mony or Goods That he had at last
sent for suitable Goods for them but was willing, in Case they
desired it, to supply them with what mony they desired.

They desired one hundred Shillings The said Indians com-
plained that lately several English brought Liquors to sell at
their Town & particularly one John Mallahone & another
called long John of Somersett County that though we are all
good Friends yet Rum & Cyder will make Indians quarrel &
Storys will be made & Indian Women with child will be
frighted.

When the Indians go to hunt they desire the English may
not disturb them

The Bill against false packing Tob° being read at the Board
the first time Resolved this Bill will pass with the following
Amendments

That whereas several People will complain It is an Hard-
ship upon them to throw away all their small dull Scrubby
Tob° & ground Leaves upon packing the same in Casks or
otherwise not facing it with good Tobacco with design of
deceit & declaring to the Person purchasing or receiving Such
Tob° the nature & Quality of that Tob° they shall not be lyable
to the penalty in this Bill further recommending that the
penalty be not less than a thousand pounds of Tob°

And the Bill for the relief of Anthony Joye Read and p. 840
Endorsed will pass. And sent to the house by Col Ennalls
& Col Tilghman

By the President & Council in Assembly
November the 7th 1713

We thought fitt to order the Clerk of the Council a Clerk
Assistant to help him in the dispatch of Several Matters before

U. H. J. us this Session We find you have mentioned the Person so imployed on the Journal of the Committee of Accompts and wonder you should refuse to make him suitable Allowance for his Service being what was never before refused by any Session of Assembly

Signed p order W Bladen Cl. Coun.

And sent to the house by Col Tilghman.

Col Ward and thirteen more brought up from their House the following Message, & an Address to her Majesty Viz

By the House of Delegates
November the 7th 1713

May it please your Honours

We have with great difficulty and Trouble at last completed an Address which we design to lay before her Majesty relating to Sr Thos Lawrence and beg your Honours to peruse the Same which we hope will give you full Satisfaction of the unjust & unreasonable Complaint of Sr Thos Lawrence against us. And that it is not out of any disrespect to her Majesty's royal Commands that we do not by an Act of Assembly settle
p. 841 the fines of Ordinary Keepers Licences on Sr Thomas Lawrence but purely to assert our own Right in disposal of such fines or taxes as we shall think fitt from time to time to raise or impose upon the Inhabits of this Province and desire your Honours will not further press us in this matter but believe that we are in all sincerity her Majesty's most dutiful & Loyal Subjects

Signed p order R Dallam Cl Ho Del.

The Board adjourned until Eight of the Clock on Monday Morning

Monday November the 9th 1713

The Council Sate

Present

The Honourable President

Col Ennalls	Col Whittington
Mr Young	Mr Lloyd
Col Greenfield	Col Tilghman

Col Ward & Col Mackall brought up the Bill against false packing Tobacco with the Amendments proposed by this Board agreed to by the Delegates which being read again at the Board was passed and sent to the Delegates by Col Tilghman

The Houses message by Col Matthew Tilghman Ward and U. H. J.
thirteen other of the Delegates brought up on Saturday last
being Considered Resolved the following answer be sent to
the House of Delegates

By the honourable President & Council
November the 9th 1713

We have your Message by Col Ward & thirteen more of
your House on Saturday last now before us, And are sur-
prised to find after we had communicated to you her Majesty's
royal Commands to the Presid[t] wherein she declares she p. 842
Expects you would Enact a Law for appropriating the Fines
on Ordinary Licences to the Secretarys Office, You should
instead of readily obeying her Directions therein desire us to
peruse Your address to her Majesty wherein you offer your
Reasons against It; how far you think they may weigh with
her most Sacred Majesty or the Right Honourable the Lords
of Trade, after the Case so often adjudged, we cannot say but
must be plain in telling you We cannot approve thereof And
wonder in a matter the Country is like to receive so little
Benefitt by, you should trifle away so much time, letting your
prejudice to S[r] Thomas Lawrence over ballance the true
Interest of your Country. We desire you will once more
duly consider the Nature of her Majesty's Commands so very
urgent & often reiterated, least your neglect thereof should
lay the Country under her Displeasure when by a chearful
Complyance with what she has dictated you might expect in
proper time to be heard & relieved in a matter you think so
hardly imposed on you. And now that we may not be wanting
in the enforcing her Majesty's Commands and endeavour to
demonstrate the true Interest of the Province We desire you
will appoint such & so many of the members of your House
as you shall think fitt to confer with four of the members of
this Board upon the Subject matter in Hand

Signed p order W Bladen Cl Coun.

And sent to the House by Col Greenberry Col Greenfield p. 843
Col Whittington & Col Addison.

By the Council in Assembly
November the 9th 1713

We are Surprised to find you assert that the Business of
this Session has not met suitable dispatch from us or that you
should Surmise the Journal of the Committee of Accompts is
detained with us upon any trivial Account We never saw that

U. H. J. Journal till Saturday noon the 7th Inst[t] nor did we till late on Saturday receive your message in relation to her Majesty's Commands about the Fines for Ordinary Lycences the Consideration whereof having lain before you from the Beginning of this Session It seems unreasonable you should Circumscribe us in the time for Consideration thereof & for Examination of the Journal of the Committee of Accompts It being every whit as much a Duty incumbent on us as your House to see the Allowances therein are just & rightly computed therefore cannot but resent such Usage

As we think ourselves proper Judges of the Business before this Board we did at the Beginning of this Session knowing it was very considerable direct the Clerk of our Board who has been long a Servant to the Country & much indisposed in his Health to imploy a Clerk Assistant which notwithstanding your assertion we find has been practised & allowed in former Sessions of Assembly Accordingly we swore M[r] Benjamin Tasker who has been diligent in that Service and therefore desire you will order him Satisfaction—the Clerk of
p. 844 this Board makes no pretence therefore to any reward and when by Inspection of the Journal of the Committee of Accompts Anno 1704 you find the mistake of your Assertion the Clerk of this Board being then allowed for a Clerk Assistant we hope we shall have no further occasion to press you in this matter

Signed p order W Bladen Cl Coun.

Col Holland & M[r] Hall came and were added to the Board

M[r] Tyler & three more brought seven Engrossed Bills assented to by the House of Delegates Viz.

A Bill for the Relief of Jn[o] Smith of Cecil County in regulating a mistake in a certain Deed of Bargain and Sale from the Devisees of Philip Lynes Esq[r] to him made

A Bill for Supplying a Defect in the last Will & Testament of Jeremiah Sullivan.

A Bill for more speedy conveying publick Letters & packetts & defraying the Charge thereof & to prevent the Abuses of breaking open & concealing any Letters whatsoever

A Bill to restrain the ill practices used by Sherriffs in taking Goods by fieri facias & selling them by Venditioni exponas

A Bill for the Naturalization of Stephen Rich of Queen Anns County Carpenter & his Children John Lornee of Dorchester County Weaver & his Children & Samuel Berry of Kent County Carpenter

A Bill for relief of Debtors & ascertaining the manner of Tenders in Tob° U. H. J.

A Bill of directions for the Sherriffs Office in this Province & for the more Easy paym^t of the publick & County Levys which were assented to by this Board & Sent to the House by Col Addison p. 845

Mr Garrett & seven more brought from their House Viz

By the House of Delegates
November the 9th 1713

Your Message by the honourable Col Greenfield & three other members of your Board We have read & considered and are sorry your Honours should think we have any prejudice against Sr Thomas Lawrence or any other Person And that we are not allowed to shew our Reasons against the false Allegations laid against us even to your Board

We cannot think her Majesty or the Lords of Trade & Plantations will deny us Justice.

We never desired you to approve our Address only sent it you that you might see our reasons for not passing an Act, for you wonder we should trifle away so much Time in a thing the Country will receive so little Benefitt by. We do admire & believe some persons are less concerned for the Country's Interest than their own particular.

What Effect our Address may have or the Consequence thereof We know not but are sure the Granting Sr Thomas's Request will much impoverish the Country neither can we think It will lay us any wise under her Majesty's Displeasure

You have Sufficiently Enforced her Majesty's Commands to us & we have as effectually complyed therewith as is possible in Equity and Justice to ourselves & Country There have been many Conferences formerly on this Subject Who always agreed twas none of Sr Thomas Lawrence's right and therefore we cannot now agree to another on this Subject, to trifle away more time & perhaps spend the Country thirty or forty thousand pounds of Tob° to as little purpose as in other things We being resolved to send this Address to her Majesty; and admire you should insist thereon since you at first refused to confer or join with us therein. p. 846

We beg your Honours not to keep us here to no purpose unless you resolve to see a fat Church yard & put an intollerable burthen on the Country which they are ill able to bear

Signed p order R^d Dallam Cl Ho Del.

U. H. J. The said Gentlemen brought up a Bill impowering the Justices of the County Courts to regulate the disputable Bounds of Several Parishes and ascertaining how and when the 40 lb of Tobo p poll shall be paid Which was read the first & second Times by this Board & sent to the Delegates by Col Tilghman.

Mr Jowles and Mr Pierce brought up three Engrossed Bills assented to by their House Viz

A Bill against false packing of Tobo

A Bill ascertaining what shall be allowed to Grand & Petite Jurors in the Provincial & County Courts of his Province and Evidences Summoned to attend the sd Courts

A Bill for the Relief of Anthony Joye & Ann his Wife which said Ann is the Daughter & Heiress at Law to Robert
p. 847 Smith Esqr late of Queen Ann's County decd and the said Anthony one of the Execrs of the sd Robert Smith's Testament in Confirming the mortgage of Lands therein mentioned

Which were assented to by this Board and sent to the Delegates by Mr Lloyd

Resolved the following message be sent to the Delegates

By the honble President & Council in Assembly
November the 9th 1713

On Saturday last the honble President received a Letter from the Right Honourable the Lords of Trade and Plantations of the 14th July last wherein is the following Clause Viz.

The Acts which we have received shall be considered at the first opportunity and our opinion thereupon transmitted to you In the mean time we must observe upon the Act for regulating Writts of Error & granting Appeals from & to the Courts of common Law within this Province that by her Majesty's Instructions you are required to Endeavour to gett a Law passed wherein the method & Limitation of Appeals from the inferiour Courts to the Governour & Council may be Settled and restrained But you are not to Enact any thing that her Majesty has already Settled by her Instructions & therefore all that Clause in the afd which relates to Appeals from the Governour & Council to her Majesty ought to be left out the same being Sufficiently provided for as afd We advise you therefore to endeavour to gett a new Law passed without the sd Clause else we shall be obliged to lay the same before her
p. 848 Majesty for her disallowance. We therefore recommend to you to reenact that Law this Session according to their Lord-

ships kind Intimations omitting the Clause directing appeals to her Majesty in Council U. H. J.

Signed p order W Bladen Cl Coun.

Sent to the House by Col Addison & Mr Tilghman Mr Scott & four more brought up the Journal of the Committee of Accompts & following Message Viz.

By the House of Delegates
November the 9th 1713

We have caused the Errors in the Journal of the Committee of Accompts to be rectifyed according to your Remarks We pray your Assent thereto that a Committee may go out to apportion the Levy We cannot agree to the allowing any thing to the Clerk Assistant to the Clerk of the Council not taking that very long Assembly in 1704 to be any Precedent.

Therefore we have appointed Mr Leach Mr Scott Mr Lloyd Mr Stephenson & Mr Jowles to join the members of your Board to apportion the Levy and desire they may meet thereon to morrow morning

Signed p order R Dallam Cl Ho Del.

The said Journal of the Committee of Accompts was assented to by this Board and the following message sent Viz.

By the Council in Assembly
November the 9th 1713

This Board have appointed the honble Col Charles Greenberry and Col Wm Whittington to join with the members of your House appointed to apportion the publick Levy and have given them directions to meet your members on notice of the Time & place where

Signed p Order W Bladen Cl Coun.

The Lords Commrs of Trade's Letter of the 15th July 1713 being read directing the Treatys of Peace & Commerce with France to be published in this her Majesty's Province Resolved and Ordered that the said treatys of Peace & Commerce between her most sacred Majesty and the most Christian King be fairly copied out and with the Honble Presidents Proclamation be transmitted to the respective sherriffs of the Several Countys by them to be published in full County Court that all Persons may take Notice thereof p. 849

The Board Adjourned until Eight of the Clock to morrow morni ng

U. H. J. Tuesday November the 10th 1713

The Council Sate Present as yesterday

The message from the Delegates by Mr Garrett & Others last night being considered and debated Resolved the following answer be sent thereto Viz.

By the President & Council in Assembly
November the 10th 1713

Gentlemen

Notwithstanding the many Reflections you have this Session so liberally bestowed upon this Board and the ill usage you treated us with which is too obvious in several of your messages & particularly in that you sent us yesterday by Mr Garrett & seven Others Which all the World will allow are no ways parliamentary, We make no doubt we should in the Support of our own Character & out of a generous Regard to the Reputation of your House as well as the true Interest of the Province (had you agreed to give us a Conference on
p. 850 the Subject Matter of enforcing her Majesty's Commands relating to the Fines of Ordinary Licences) have easily convinced you that the Address you propose to her Majesty and Sent up to us for our perusal has very little or no weight in it And that you have therein through mistakes Averred that which is utterly untrue, and particularly in that part thereof, wherein we apprehend you fix the Basis of your refusal to comply with her Majesty's royal Command. We could do no less than represent this to you And let the Consequences of this Affair be never so destructive to the Interest of this poor Province It will lye at your door if you refuse the Warning given you and We shall clearly be acquitted thereform. We know not of any thing we have to offer but what We think very material And shall be as careful as any of your House how we increase the Countrys Charge by any Delays which you cannot charge us with unless you believe the Enforcing her Majesty's Commands is so wherein It does not become your House to direct us

When the Journalls of this Session are perused by the Right Honourable the Lords of Trade and plantations if any Delays have happened They may Satisfie such impartial Judges where they have been

Signed p order W Bladen Cl Coun.

Sent to the House by Col Holland Col Greenfield Mr Hall & Col Tilghman

Mr Worthington & Major Hammond brought up the Case U. H. J.
of Charles Carrol Esqr & Mr Wm Bladen

The Case of William Bladen Esqr & Charles Carrol humbly p. 851
represented to the honourable the House of Delegates for
their Consideration & Redress

The said Wm & Charles on the 22d day of May 1705
amongst other Lotts & Houses purchased of Edwd Dorsey
decd three Houses in this City lying close together on a place
called Bloomsberry Square which Houses have ever since
been in the Service of the publick for keeping of Arms &
Ammunition &c.

That the said Wm & Charles have never yet received one
penny for the Rent of the sd Houses there being Eight years
& an half due this November

Tho they must acknowledge Saml Young Esqr Treasurer
of the Western Shoar offered to pay them this year £ 15 on
account of the said Rent but they thought not proper to
receive the same 'till the Account of the whole Rent was
adjusted

That they cannot reasonably think that the Justice & Honour
of the House intended that £ 15 as a compensation of the
whole time the sd three Houses have been kept in the publick
Service Whereas if they had been left to the disposal of the
said Wm & Charles They could make at least £ 15 p Annum
of them and such a Loss is what they hope neither the House
or even any single member thereof will think in Justice,
Equity or good Conscience fit for them to sustain by having
their Estate in the Queen & Country's Service

In tender Consideration whereof the sd Wm & Charles hum- p. 852
bly pray that the Honble House will give such directions for
their Relief in the Premises as every member of the House
might reasonably expect were the Case his own and further
that they might have the same Houses put into their Possession
in order to be repaired being in very great want thereof.
And they will pray &c

Wm Bladen
Chars Carrol

Which was Indorsed

By the House of Delegates
November the 10th 1713

We have debated and Considered this Remonstrance and
find the Country much imposed upon on that Acct and that
the Great House is not imployed for the Arms &c but by
private persons We formerly allowed fifteen pounds, and are

U. H. J. now willing to allow twenty pounds more, and desire the Arms &c may be removed & Lodged in the Stadt House. And we have resolved that the publick pay no longer Rent for them Houses to which they desire the Concurrence of the Honble Presidt & Council

Signed p order R Dallam Cl ho Del.

Resolved that a Commission issue to Somersett County Court placing Mr John Bosman President and adding to the rest Mr Wm Robinson Mr Wm Whittington junr Mr Wm Planner & John Purnell

That Mr John Bosman & Mr Samuel Hopkins be appointed Coroners of that County

Resolved the following Message be sent to the Delegates.

By the Council in Assembly
November the 10th 1713

p. 853 The Board observing that the Act prohibiting the Importation of Bread Beer Flower Malt Wheat or other English or Indian Grain & Meale Horses Mares Colts & Filleys from Pensilvania will expire at the End of this Session, do recommend to the Delegates that the sd Law be revived having been experienced to be a good and beneficial one and may still be so especially now the Trade for Grain in this Province is beginning to flourish by Sundry Vessels built in the Country capable of Exporting great Quantities as well as divers Vessels on purchase from the Northern Plantations, and that it may be of Prejudice here for the Farmers to have the Pensilvanians import their Grain & pick up the ready mony & Bills of Exchange by which & other like Practices they have heretofore sucked the very marrow of the Province. We think it however necessary to insert a Clause in the Reviving Bill to give Liberty to any the Commanders of her Majesty's Ships of War in this Province to purchase Bread Flower or other Provisions for the Use of their Ships only & import or cause it to be imported from Pensilvania or else where any thing in the afd Law to the Contrary notwithstanding

Signed p order W Bladen Cl Coun.

Sent by Saml Young Esqr

Resolved that a Solemn day of thanksgiving be set aside in this Province for the happy & glorious peace Almighty God has Vonchsafed her Majesty's Arms and that it be observed on Tuesday the first of December next in all the parishes of

this Province all Persons abstaining from bodily Labour and the several Incumbents to preach and perform divine Service on that Day To which. End Ordered that Proclamations issue Accordingly U. H. J. p. 854

The Petition of John Limpkin Edw[d] Roberts John Cole John Jones and Pierce Walsh Inhabitants of Baltimore County Praying That whereas They were summoned to attend that County Court in June 1712 and were prevented by unavoidable Accidents so that they were then fined each five hundred pounds of Tobacco unless they shewed cause to the next County Court to discharge them therefrom they went to the next County Court but by an Order of Council the same was adjourned from Joppa to the old Court House so that they could not offer their Reasons Viz. their Indisposition of Health and the Circumstances of this petition being affirmed by M[r] W[m] Talbot one of the Justices of that County Court and one of the Delegates in this Assembly for that County; ordered the several Petitioners Fines for not attending as Jurymen as af[d] be remitted & not levyed

The Case of W[m] Bladen & Char[s] Carrol with the Houses Endorsm[t] thereon as followeth. Viz.

The following message was sent to the House Viz.

By the President and Council in Assembly
November the 10th 1713

This Board do agree that the said Arms &c be forthwith removed & lodged in the Stadt House in such Rooms as the House of Delegates shall advise and Considering how much the publick Arms are abused in the Several Countys & the Powder wasted and destroyed We desire the House of Delegates once more to consider of the Recommendation made from this Board the last Sessions to have small Arm Houses built near the several County Courts for their better security & that they may be the easier & oftener inspected p. 855

Signed p order W Bladen Cl Coun.

The Petition of the Inhabitants of Christ Church Parish in Kent Island Read praying that two hundred & fifty Taxables may be taken out of S[t] Pauls Parish in Queen Ann's County & United to their Parish for the better Encouragem[t] to reside amongst them being read was thought reasonable & recommended that a Small Bill pass this Session to add to Christ Church parish on Kent Island part of S[t] Pauls Parish in Queen Ann's County to begin in Coursey's Creek at the place where the high Street formerly laid out for Queen Anns town falls

U. H. J. down to the Water and then running up that Street to the main road leading to the Beaver Dams & from thence to Wye Mill and so down that Branch to Wye River and with the said River Eastern Bay and Chester River to the beginning or End of the high Street af^{d} Sent to the House by Mr Hall

The Board adjourned till Eight of the Clock to morrow morning

Wednesday November the 11th 1713.

p. 856 The Council Sate Present as yesterday

Upon the Remonstrance of John Danzey Esqr her Majesty's Receiver of the District of Potowmack Ordered that the Sherriff of Charles County account with him for & pay unto the s^{d} Receiver all her Majesty's Fines and Forfeitures in the s^{d} County by him collected or to be collected

Mr Tyler & Mr Mariartee came & acquainted the Honble President & Council that their Clerk Mr Richard Dallam was gone home very much indisposed in his Health so that they were at a great Loss but desired that Mr Evan Jones might be sworn Clerk Assistant to the hb^{l} house of Delegates which was accordingly done in their presence the said Mr Jones taking the Oaths of Abjuration Allegiance & Abhorrence and Oath of Clerk Assistant to the said Delegates & Subscribing the Oath of Abjuration & Test

The Address proposed to her Majesty on the happy peace being read at this Board was approved of

The Petition of Charles Carrol & Wm Bladen recommended to the House's mature Consideration & Sent to the House by Col Tilghman

Major Sprigg and five more brought up from their House the Engrossed Bill impowering the Justices of the Several Counties to regulate the disputable Bounds of Parishes in their respective Countys and for ascertaining the time & manner when & how the forty pounds of Tob^{o} p poll shall become due & be paid

p. 857 Assented to by the Delegates which being read was assented to by her Majesty's honble Council & Sent to the House by Col Tilghman.

The said Delegates also brought up the following Message Viz

By the House of Delegates
November the 11th 1713

We have considered maturely of yesterday's message by the honble Col Holland & three others of your Honourable

Board And assure your Honours we never had the least Thoughts of reflecting on your Honble Board neither have We reason to doubt of the due regard you have for the Interest of this Province. This House have with great Care & diligence Searched all the Records in the Secretarys Office or other Offices here they could find And unconscious of any Untruths we have Averred in the Address sent to your Honours for perusal, therefore desire you will not any more press us on this Subject U. H. J.

Signed p order Evan Jones Cl Dep ho Del.

Which being Read & Considered Resolved the following Message be sent to the Delegates Viz.

By the honble President & Council
November the 11th 1713

We have received your Message by Major Sprigg and five others And tho we cannot but think it very Strange you should refuse the Conference desired by this Board for want whereof We find you persist in the mistake Asserted in your Address to her Majesty relating to the fines on Ordinary Licences yet we cannot believe We ought notwithstanding your Desire press you no further neglect giving you to understand that altho you have averred that the same fines on ordinary Licences were always temporary & reserved in the power of the Country to dispose—the Law therefore never having been perpetual We find there was a perpetual Law made in May Anno 1695 appropriating the said fines to the Secretary of this her Majesty's Province for the Time being & send you the said Law for your Perusal, Wherefore we desire you to consider whether such an Address will become the reputation of your House for which you may perceive We have no Small Regard p. 858

Signed p order W Bladen Cl Coun.

The Petition of Mrs Mary Hindman Relict & Exec^r of Mr James Hindman late Rector of St Pauls parish in Queen Ann's County Read praying that the Directions of this Board that the Vestry may make her reasonable Allowance for the year her dec^d Husband officiated in that Parish being read ordered that the said Vestry see her paid the proportionable part of the 40 lb tob^o p pole from the laying the last years Levy to the time of her Husband's Death

Mr Tyler & Mr Worthington brought up the Bill for regu-

U. H. J. lating Writts of Error granting Appeals from and to the common Courts of Law within this province

Read the second time in their House & Endorsed will pass Which being read the first time at this Board was Endorsed & will pass Sent to the House by Col Tilghman

Mr Woolford & Mr Brooke brought up a Bill reviving an
p. 859 Act of Assembly of this Province Entituled an Act prohibiting the Importation of Bread Beer &c from Pensilvania. Which was read & Endorsed will pass with the Amendments proposed And sent to the House by Col Tilghman

The Petition of Robert Dutton and others living at the Head of the Bay praying Liberty to sell Bread and Flower within the Province being read, & It not appearing they have paid any Levys in this province the Petition is rejected.

Mrs Solomon & Charles Wright brought up a Bill confirming and making good & Valid in Law a certain Lease or Deed of Demise made between Robert Smith late of Talbott County Esqr dec^d^ & Matthew Mason of the same County Planter, referred this last Session of Assembly to this present Session & Endorsed as follows

By the Delegates
November the 11th 1713

Upon hearing the objections offered by Richd Bennett Esqr (herewith sent) against passing this Bill Resolved Nemine Contradicente this Bill do pass

The Consideration of the af^d^ Bill & objections was referred till to morrow morning

And the Board adjourned until eight of the Clock to morrow morning

Thursday November the 12th 1713

The Council Sate Present as yesterday except Col Ennalls.

Col Hoskins & three more brought up the following message Viz.

By the House of Delegates
November the 12th 1713

p. 860 We are truly Sensible of the great Regard your Hon^rs^ have for the Reputation of this House which we daily with the Utmost precaution Endeavour to preserve from any just Reflections and we hope the worst of our Enemys cannot justly charge us with any neglect of that nature The Law

relating to fines on Ordinary Licences you were pleased yesterday to favour us with altho It was perpetual yet we find that Law and all Other Laws relating to Ordinarys were repealed in Anno 1698 and if that Law had been lodged in the proper office where It ought to have been We should have taken Notice of it before But both the Records of Assembly & other Records are now so squandered about in Holes & other by places that It is almost impossible to find those we want U. H. J.

We shall take great Care not to Offer any thing to her sacred Majesty but what we can aver to be true not doubting but out of her usual Clemency & Goodness she will when our Address is laid before her do us all the Justice we do Expect or can reasonably desire

Signed p order Evan Jones Dep Cl Ho Del.

Mr James Lloyd & Major Chars Hammond brought up the following Answer to Mr Chars Carrol & Mr Wm Bladen's petition

By the House of Delegates
November the 11th 1713

This House have maturely considered the petition of Mr Charles Carrol & Mr Wm Bladen & resolve nemine Contradicente no further Allowance be made to them on Account of Rent (heretofore accruing) for the Houses where the publick Arms and Ammunition are at present Lodged p. 861

Signed p order Evan Jones Dep Cl ho Del.

The Houses message by Col Hoskins & three more of the Delegates being read and Considered

The following message was resolved upon drawn up & sent to the House of Delegates by Col Holland & Col Greenfield Mr Hall Col Addison & Col Tilghman Viz.

By the Honble President & Council in Assembly
November the 12th 1713

Gentlemen

We have received your Message of this day by Col Hoskins and three others & cannot but once more express our Sentiments to you that since you have denyed us the Conference proposed in order to enforce her Majesty's royal Commands to this Province laid before you at the Beginning of this Session we must conclude that some of your House are possessed with a mistaken Zeal of the Interest of your Country which seems to have a great Influence on & mislead Others. Where-

U. H. J. fore we once more demand a Conference with the members of your House upon the af[d] Subject Matter which if you shall contrary to the Course & Practice of Parliaments refuse us we shall be obliged to assert the Honour and Reputation of this Board by such proper methods as we shall think most adviseable

Signed p order W Bladen Cl Coun.

The Bill for confirming a Lease or Deed of Demise made by Robert Smith Esq[r] to Matthew Mason of Queen Ann's County being read at this Board and M[r] Richard Bennetts
p. 862 Objections being heard thereto It appearing M[r] Bennett is a Valuable Purchaser under & according to the Law of this Province & at the Time of the mortgage could not have any due Knowledge of the said Lease to Mason It not being Enrolled This Bill is thought unreasonable And that the said Mason ought to seek his Remedy from the Heirs of Robert Smith Esq[r] wherefore the said Bill was rejected and the Resolve of this Board sent to the Delegates by Col Addison

M[r] Mariartee & M[r] James Macall brought up the Engrossed Bill for reviving the Act against the Importation of Bread Beer Flower &c from Pensilvania Assented to by the House of Delegates Which being read at the Board was assented to by the Honble her Majesty's Council And again Sent by Col Tilghman to the Delegates

The said Gentlemen also brought up the Report of the Committee for inspecting the Records with the following message Viz.

By the House of Delegates
November the 12th 1713

We herewith send your Honours the Report of the Committee appointed to inspect into the Records we are willing that the Consideration thereof be referred till next Session of Assembly & desire your Honours Concurrence thereto.

Signed p order Evan Jones D Cl Ho Del.

M[r] John Dodds account for the Indian Expences this Session being laid before the Board amounting to two pound 18[s] 6[d] for Six Days Expences

p. 863 Ordered that It be recommended to the House of Delegates to make Allowance therefore, the Great men of the Indians Viz Tom Coursey Panquash & Rasseketum & one other having upon the Emperour Asquash's deserting them & hearing that he had applyed to this Governm[t] in order to cut off Panquash & Rassaketums heads applyed to President

and Council professing their Friendship & desiring to be so U. H. J.
accounted of

The Honble President taking notice that he has several times issued Directions to have the Exact Return of Births and Burials from the several parishes in this Province but to no Effect

Ordered that the Clerk of this Board write to the several Clerks of the Vestrys ordering them on pain of being sent for before this Board to return punctual Accounts thereof at least for two years last past to him by the next Provincial Court and that the Letters to the said Clerks be inclosed in Letters to the several Ministers and Vestrys Who are to be desired to Enforce the said orders and procure Complyance therewith

Lt Col Mackall and five more brought up the Engrossed Bill for regulating Writts of Error and granting Appeals from & to the Courts of Common Law within this province. Assented to by the House of Delegates

Which being read at this Board was assented to by her Majesty's honble Council and sent to the House by Col Addison

The said Col Mackall & the other five members brought p. 864
the following Message Viz.

By the House of Delegates
November the 12th 1713

In answer to your Message by Col Holland and four more of your Honble Board We once more debated and put it to the Vote of this House whither they would Consent to the Conference demanded by your Honours & carryed in the negative

We are sorry your Honours should insist thus long on this Subject at a Time especially when so many members of this House are gone home sick

We never had any Intentions to diminish the Honour and Reputation of your Board and cannot now recede from the Resolution of Addressing her Majesty

Signed p order Evan Jones Dep Cl Ho Del.

In reply whereto the following Message was Sent Viz.

By the President & Council in Assembly
November the 12th 1713

We have taken all possible Care to cultivate a good and

U. H. J. amicable Correspondence with your House this Session and cannot but think you use us very ill in denying a Conference which we take to be the only expedient to remove the Difficultys seeming to have created a misunderstanding between us & dispatch Business we do not pretend to direct whether you should address her Majesty in Answer to S[r] Thomas Lawrences Complaint nor would a Conference with us prevent your so doing tho you should be happily convict that
p. 865 It is your Interest to give a ready and cheerful Obedience to her Majesty's Commands we have so earnestly recommended to you and pressed you to comply with Wherefore if her most Sacred Majesty should conceive any displeasure (as It is to be feared she may) at your Neglect or Contempt We hope we shall not fall under it but that if any hardships should hereafter be put upon the Country on this score you will be found to be those who have neglected the true Interest of it & involved us in such misfortunes. This we must needs assert and cannot but leave it upon our Journal that it may plainly appear whither you or we have the truest Sense of & regard to her Majesty's Honour & the Interest of the Province we, in demanding, or you, in refusing so usual reasonable & necessary a Conference Which we cannot but yet expect from you

Signed p order W Bladen Cl Coun

And Sent to the House by Col Holland M[r] Young M[r] Hall & Col Whittington

M[r] James Mackall & Cap[t] Frisby brought up the Bill for assessing the publick Levy this present year, read by the Delegates the first & second Time which was read at the Board and Endorsed will pass & sent to the House by Col Tilghman

Moved at the Board whether It may not be reasonable for the Keeper of the Great Seal to charge and take for the Seal of Every Body of Laws by him transmitted to the several County Courts four hundred & Eighty pounds of Tob[o] as
p. 866 formerly has been usual to be taken by the late Keepers of the Great Seal and Resolved that It is reasonable so to do.

The Board Adjourned until Eight of the Clock to morrow morning

Fryday November the 13th 1713

The Council Sate Present as yesterday

The Address to her Majesty on the happy Peace and the Remonstrance to the Right Honble the Lords of Trade and Plantations relating to the Tob[o] Trade being read at the Board

were approved of and Signed by the honourable President U. H. J.
and her Majesty's Council

L[t] Col Mackall & nine more brought up from the House
Viz

By the House of Delegates
November the 13th 1713

In Condescention to your Honour's Message this morning by Col Holland & three more of your honble Board we have maturely considered of the Conference so often demanded; and appointed the members herewith sent to join in Conference with such members of your Board as you shall appoint to confer on the Subject matter and that they may meet thereon immediately at such place as your Honours shall appoint.

Col Mackall	Signed p order	Evan Jones D Cl ho D.
M[r] Tyler	Maj. Woolford	M[r] Worthington
M[r] Mariartee	M[r] Scott	M[r] Colegate &
Col Hoskins	M[r] Solomon Wright	M[r] Codd

In complyance whereto ordered that the honble Col Holland p. 867
M[r] Samuel Young Col Addison M[r] Philemon Lloyd & L[t] Col Tilghman join the members of the House of Delegates appointed on the af[d] Conference immediately at the House of M[r] John Dodd and give notice thereof to the Delegates, and that it be an Instruction to the Conferees from this Board to urge the Delegates to a Complyance with her Majesty's Commands

The said Gentlemen went upon the Conference

This Board taking notice that the Delegates had desired the publick Arms to be lodged in some of the Rooms in the Stadt House not knowing of any Conveniency therefore Resolved that It be recommended to the House of Delegates to cause a small House to be built at the Country charge to lodge & secure the said Arms therein

And the following message was sent to the house by Col Addison & Col Tilghman

By the President & Council in Assembly
November the 13th 1713

We do not know any Room in the Court House proper to lodge the publick Arms &c in And tho' for the present according to your desire They may be put in the Chancery or Assembly Offices Yet we think it most fitt that a Small House be built on the publick Grounds & at the publick Charge on purpose to lodge & secure the said Arms &c in and wish you

U. H. J. p. 868 once more to consider whither It may not be fitt to have small houses built near the several County Court Houses for the better Security of the Arms belonging to the Several Countys

Signed p order W Bladen Cl Coun.

The members of this Board appointed on the Conference return & bring in the following Report Viz.

At a Conference held at the House of Mr John Dodds November the 13th 1713 in relation to the passing a Law for regulating Ordinarys and appropriating the Fines thereof to her Majesty p Secrretary for the Time Being

Present

of the honourable	Col Wm Holland Samuel Young Esqr Philemon Lloyd Esq Col Thos Addison Col Richard Tilghman	Council
Of the honble	Col John Mackall Mr Robert Tyler Mr Daniel Mariartee Col Philip Hoskins Major Roger Woolford Mr Edwd Scott Mr Solomon Wright Mr Samuel Worthington Mr Richard Colegate Mr St Leger Codde	House of Delegates

Who make Choice of Col Wm Holland Chairman and John Beale their Clerk

p. 869 And her Majesty's order in Council relating to passing the Law afd being first Read the honble Council appointed upon this Conference propose to the Conferees of the Honble House of Delegates that there be a Law made for regulating of Ordinarys and appropriating the fines thereof to her Majesty's Secretary of the Province of Maryland for the Time being pursuant to her said Majesty's Order in Council afd and offered their Reasons therefore Which being fully debated the said Conferees of the House of Delegates could not agree thereto believing that the Secretary has no Right to the same

Thereupon the said Conference being Ended they withdrew to their several places

Signed p order Jno Beale Cl Con.

Adjourned till to morrow Morn:

Saturday November the 14th 1713 U. H. J.

The Honble her Majesty's Council Sate Present as yesterday

This Board taking the matter into Consideration again relating to Ordinary Licences and not knowing of any rule for regulating Ordinarys since the Ordinance impowering the Justices to grant such Licences and take Recognizances for their good Rule in their Houses is disapproved of by her Majesty. Resolved the following Queries be offered to the Consideration of the House of Delegates Viz.

By the President and Council in Assembly
November the 14th 1713

On perusal of the Report from the Conference yesterday we cannot but offer to your Consideration

1. Whether any person may Vend Sell or Utter any Brandy p. 870
Cyder or Quince Drink or other Wine without agree[t] made therefore, and with whom are the Vintners or Retailers of such Wines &c to make Agreement for such Licence?

2 If the Prerogative has the power of granting such Wine Licences, and it be Vested in proper Comm[rs] or Agents whether the Justices of the County Courts have any thing to do therewith?

3. Whether It be not a Natural Consequence deduced from the Premises that the Queen may lawfully grant the said Power and Proffitts thereof to whom she thinks fitt? as King Charles the second did to the then Duke of York his Brother tho' since reinvested in the Crown Vide Acts of Parliam[t] therefore

4. What Ordinary Keeper in this Province will desire a Licence to Sell Beer & Ale only were it in the power of the County Justices to grant such Licence?

5. Whether It be not worth your Reflection how much already has been and what more may be spent on this Debate? And when can you think there will be an End of It whilst the Secretary continues to make his Clamour, and the Prince espouses it, or how shall we avoid the Charge of calling an Assembly together when ever her Majesty shall please to send her further Commands to them in this matter?

Lastly We desire every Serious good man who is a well wisher to his Country will consider whither the neglecting her Majesty's Commands will not only draw her displeasure p. 871
upon us but also involve our posterity in Misfortunes at present unforeseen which a reasonable Complyance therewith might happily prevent

Signed p order W Bladen Cl Coun.

U. H. J. Sent by Col Holland Col Greenfield Mr Hall and Col Addison

Ordered that the Clerk of this Board take the same fees on private Bills from the several persons Interested therein as are allowed this Session therefore by the Delegates to their Clerk

Mr Tyler & Col Mackall brought up

By the House of Delegates
November the 14th 1713

The Season of the year being so far advanced and almost half of the House being Sick in Town & gone home We desire your Honours to expedite the Bill for assessing the publick Levy & appoint when some of the Members of this House shall attend on your Honours to see the Laws Sealed & Close this Session without further Charge to the Country

Signed p order Evan Jones D Cl Ho Del.

The Petition of Elizabeth Spurrier being read at the Board Viz.

To the Honourable Edward Lloyd Esqr President of the Province of Maryland & Keeper of the Great Seal thereof

The humble Petition of Eliz Spurrier a Prisoner in the Goale of the City of Annapolis

Humbly Sheweth unto your Honour that your poor Petitioner has been tried & Arraigned this last Provincial Court
p. 872 for murthering a Live Male Infant born of her Body that your Petitioner protesting she was a married Woman pleaded not guilty thereto.

That a Jury was Empannelled to try her & the Evidence that came or could be produced against her could make nothing appear against her but that she was delivered of a Child which Child was found dead tho no mortal Wounds or even the least Signs of any such appeared on the Body of the Child. That the Council having then Spoke for your Petitioner that such Evidence was not Sufficient Law to maintain the Indictment being an Indictm^t^ at common Law & not on the Statute in that Case made & provided Your Petitioners Council & all other Standers by unconcerned seemed to understand that the Court and Jury also were of that opinion Which occasioned your poor Petit^r^ who could only Speak to facts to forbear giving in Evidence to the Court & Jury that she was a loansome Woman having none near her but men

and consequently unfitt for being present at her Delivery and U. H. J.
also to give in Evidence her Marriage with one William Spurrier and that he is yet alive together with many other true Allegations which might (duly notified) have given the Jury just Reasons to acquitt her of the fact laid to her charge. The Jury found a Verdict against your poor Petitioner in the Words following.

We of the Jury find Elizabeth Spurrier guilty of having a Bastard Child & concealing the Death of it, on Which the Court gave Judgem[t] of Death

That your Petitioner is advised & hopes your Honour who p. 873
represents the Queen the Fountain of all Mercy & Justice on this side the Grave, and whose glorious Reign is most remarkable for that as well as other her pious just merciful and charitable administrations to her people will be so far of that opinion that the said Verdict does not in any wise come up to maintain the said Indictment.

That your Honour in mercy and tender Consideration of your poor Petitioners Ignorance and deplorable Condition will be pleased to grant her a Reprieve from an Execution of the said Judgement until the Queen's Pleasure with the Advice of her Councils and Judges be known touching the Premisses And your poor Petitioner (as in Duty bound) will ever pray &c

Also the following Endorsment thereon

November the 14th 1713

To the Honble Edw[d] Lloyd Esq[r] President of her Majesty's Council

We the Subscribers do certify to your Honour that that part of the within Petition wherein It is sett forth that the Petitioner depended upon her Council at Law and made no Defence herself or offered any thing to the Fact is true and leave her to her Majesty's Mercy and your Honour's Compassion if you shall think fitt to grant her a Reprieve till her Majesty's Pleasure be known therein

W[m] Holland
Sam[l] Young

It was advised by the Board that the Honble Presid[t] grant her a Reprieve till her Majesty's pleasure be known p. 874

M[r] Worthington and three more brought up the following message Viz.

By the House of Delegates
November the 14th 1713

In answer to your message of this day by Col Addison &

U. H. J. Col Tilghman This House proposed to build an House for to lodge the publick Arms in to be built twenty five foot long and eighteen foot wide and ten foot pitch sawed frame planked within Side & without well shingled & to be built on the public Ground.

Mr Thomas Docwra will undertake the work as to the building of Houses in the Countys for County Arms &c This House desires the Consideration thereof may be referred till next Session of Assembly and that your Honourable Board will concur therewith

Signed p order Evan Jones D Cl H. Del.

To which the Board concurred & sent to the Delegates as followeth Viz.

By the President & Council in Assembly
November the 14th 1713

We have your message of this day by Mr Worthington and three of your members relating to Arm Houses & do concur with your Resolves therein

Signed p order W Bladen Cl Coun.

Sent to the House of Delegates by Col Addison together with the Bill for assessing the publick Levy

Resolved the following message be sent to the Delegates
p. 875 Viz.

By the President & Council in Assembly
Novemr the 14th 1713.

Whereas the Printer is dead and the Act for the publication of all Laws within this province requires a fair Transcript of the Laws of every Session to be writt on parchment and transmitted by Writt under the Great Seal to the Sherriffe of each respective County to be published for which the Keeper of the Great Seale is to be allowed so much tobacco as the General Assembly in which the afd Laws are made shall assess & allow, And the transcribing on parchment being absolutely required there not being sufficient to be now had for that purpose we desire your Advice on the Premises

Signed p order W Bladen Cl Coun.

Sent to the House by Mr Hall

Major Woolford & Capt Scott brought up the Bill for Assessments and payments of the publick Charge this present year 1713 Assented to by the House of Delegates which

being read was assented to by this Board & Sent to the U. H. J.
House by Col Tilghman

Mr Tyler & seven more brought from their House Viz.

By the House of Delegates
November the 14th 1713

This House have considered your message by Col Holland and three others of the members of your honble Board and are much surprized to find you put such Interrogatorys to us as we think we are not obliged to answer We have no thought of infringing her Majesty's Prerogative and believe p. 876
We have not given any one a just occasion to think so and we are sorry such pretences should be made use of to gratify any one or delay the finishing this Session We cannot see any ill consequence will come of our applying our Selves to the Queen notwithstanding any Clamour & noise the Secretary may make We doubt not but our just Reasons will be heard, as for that of granting Wine Licences 'tis not as we take it our Case; but the Granting Licences to Sell Ale Cyder, Perry &c and Victualling We take to be a part of the power given to the Justices of the Peace by her Majesty's Commission and diverse Acts of Parliament

This Affair has already cost the Country a great deal of Mony and us a great deal of Time but we cannot think any man will blame us for it but those who are the unjust Cause of it

We take this proceeding to be nothing else but a design of wearing us out of a Resolution we have so often assured you we could not recede from, & to Encrease an heavy Charge on the Country, which may seem to reflect on us Tho' we hope we shall easily Satisfy those we represent what the true Causes of it have been

We pray your Honours to desist from any more Messages on this Subject we being already resolved to stand & fall by what our gracious Queen shall determine when our Case is made known to her

Signed p order Evan Jones D Cl Ho Del.

The Honble President having received a Letter from the p. 877
Lord Proprietary's Agent Mr Chars Carrol with another Letter from Capt Richard Smith of St Leonard's Creek to the said Mr Carrol relating to a tract of Land called Kingsale desired to be confirmed by this Assembly to Capt Thos Emms &c laid the same before the Board.

Advised the said Letters be referred to the Consideration

U. H. J. of the House of Delegates and were sent to them by Col Tilghman

The message by Mr Tyler and seven other Delegates being considered Resolved that the following answer be sent thereto Viz.

By the Council in Assembly
November the 14th 1713

Out of the due Regard we owe to her Majesty and a true sense we have of the Interest of the province we have by many Messages Endeavoured to perswade your House to comply with her Majesty's Commands And these we affirm to be the only true motives that have induced us to be so very importunate with you this Session and multiply so many messages, And must deny the same were used to gratify any one or delay the finishing the Session which we look upon as an unworthy Reflection and base Imputation thrown on this Board and which we cannot but highly resent. As to any reflections you may bestow upon us when you come to your Several Countys in vindicating your own Reputations We are above the Consideration thereof well knowing if you shall
p. 878 throw any aspersions upon us They will be altogether unjust and groundless. And whereas several of you are Justices in your respective Countys, we must warn you as there is now no Law in force in this Province relating to ordinarys you had best take Care how you put any the Laws of the Kingdom of Great Brittain relating to Ale House Keepers & Victuallers in force & practice unless you are well Satisfyed you are Sufficiently impowered so to do

Signed p order W Bladen Cl Coun.

Sent to the House by Mr Hall & Col Addison Proposed, Advised, & Resolved that Mr Jno Broome who has been very handsomely recommended to the honble President by the Justices of Calvert County for the Sherriffs Office in that County succeed Capt John Smith therein.

Mr James Lloyd and Mr Mariartee brought up from their House Viz

By the House of Delegates
November the 14th 1713

In answer to your message of this Day by John Hall Esqr We desire the Honourable President will cause the Laws made this Session of Assembly to be transcribed on good paper the parchment which the Country sent for not being yet Arrived And what parchment is to be bought in the Country is at an unreasonable rate & not fitt for use

Signed p order Evan Jones Dep Cl ho Del.

M[r] James Lloyd and M[r] Mariartee came from the House of Delegates to lett his Honour know they had nothing before their House but waited his Commands U. H. J. p. 879

Col Addison and M[r] Tilghman sent to acquaint M[r] Speaker and the members of the House of Delegates that the Honble President requires them to attend him in the Council Chamber

Accordingly M[r] Speaker and the Delegates came to attend his Honour in Council and M[r] Speaker presented to him the following Bills which he prayed the President on her Majesty's behalf would give his Assent unto Viz.

1. An Act for killing Wolves Crows & Squirrells

2. An Act to restrain the ill practice used by Sherriffs in taking Goods by fieri facias & selling them by Venditioni exponas

3. An Act for relief of Debtors & ascertaining the manner of tenders in Tobacco

4. An Act ascertaining what shall be allowed to Grand and Petite Jurors in the Provincial & County Courts of this Province & Evidences Summoned to attend the said Courts

5. An Act for the more Speedy conveying of publick Letters & packetts of this Province & defraying the Charge thereof and to prevent the Abuses of breaking open & concealing any Letters whatever

6. An Act of directions for the Sherriffs Office in this Province & for the more Easy payment of the publick and County Levys

7. An Act against false packing of Tob[o]

8. An Act impowering the Justices of the several County Courts within this Province to regulate the Bounds of their Several Parishes within their respective Countys when disputable and for ascertaining the Time & manner when and how the 40 lb tob[o] ꝑ poll shall become due & payable to the minister or Incumbent of each Parish p. 880

9. An Act reviving an Act of Assembly of this Province Entituled an Act prohibiting the importation of Bread Beer Flower Malt Wheat or other English or Indian Grain or Meale Horses Mares Colts or fillys from Pensilvania and the Territorys thereto belonging

10. An Act for regulating Writts of Error & granting Appeals from and to the Courts of Common Law within this Province.

11. An Act for the payment & assessment of the publick Charge of this Province

U. H. J. 12. An Act for the Relief of John Coale of Charles County Carpenter

13. An Act for relief of Josiah Crouch of Kent County in confirming a certain Sale of Lands from William Crouch to him and his Heirs

14. An Act for the naturalization of Stephen Rich of Queen Ann's County Carpenter & his Children John Larnee of Dorchester County weaver & his Children & Samuel Berry of Kent County Carpenter

15. An Act for the Relief of John Smith of Cecil County in the regulating the mistake of a certain deed of Bargain & Sale from the Devisees of Philip Lynes Esqr to him made

16. An Act for the Relief of Henry Acton of P. George's
p. 881 County in making valid & effectual a certain deed of Bargain & Sale from Gilbert Clark to John Bayn

17. An Act for the Relief of Anthony Joy & Ann his Wife (which s^{d} Ann is the Daughter & Heiress at Law to Robert Smith Esqr late of Queen Ann's County dec^{d} and the said Anthony one of the Exec^{rs} of the s^{d} Robert Smith's Testament) in confirming the Mortgage of Land therein mentioned

To which the Honourable President on behalf of her most Sacred Majesty Queen Ann of Great Brittain &c gave his Assent and then Sealed them with the Great Seal of this Province in presence of the Speaker & members of the House of Delegates

After which the Honble President prorogued the General Assembly until the Eighth day of March next Ensuing

And so Ended this Second Session of Assembly

William Bladen Cl. Council.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, Oct. 27 to Nov. 14, 1713.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

EDWARD LLOYD,
President of Council.

THE LOWER HOUSE OF ASSEMBLY.

Maryland scet.

L. H. J. Lib. 41 p. 377

The second Session of Assembly held at Annapolis in Ann Arundel County on Tuesday the 27th Day of October Anno Dom. 1713 Where appeared in the House of Delegates

The Hon̄ble Speaker

Saint Mary's County	Talbot County
Mr Henry Peregrine Jowles	Mr Matthew Tilghman Ward
Mr William Watts	Mr James Lloyd
Mr Kenelm Cheseldyne	

Kent County	Somerset County
Mr Daniel Pearce	Mr Samuel Worthington
Mr Edward Scott	Mr William Whittington Jun.
Mr St Ledger Codd	Mr John Purnell
Mr Edward Blay	Mr Thomas Purnell

Ann Arundel County	Dorchester County
Mr Joseph Hill	Mr Roger Woolford
Mr Charles Hammond	Mr Henry Ennalls
	Mr Govert Loockerman

City of Annapolis.	Cecil County
Mr Amos Garrett	Mr James ffrisby
Mr Thomas Docwra	Mr Matthias Vanderheyden
	Mr Peregrine Frisby

Calvert County	Prince George's County
Mr John Mackall	Mr Robert Tyler
Mr John Leach	Mr Thomas Brooke Junr
Mr James Mackall	

Charles County	Queen Anne's County
Col° Philip Hoskins	Mr Solomon Wright
Majr Walter Storey	Mr John Whittington
Mr John Fendall	Mr Charles Wright
Col° James Smallwood	Mr John Wells

Ordered Mr Speaker issue his Warrant for a Writ of Election for a Member to serve in the Room of Mr Clagett of Prince George's County returnable immediately

Col° Hoskins, Col° Ward, Mr Worthington and Majr Ham-

L. H. J. Lib. 41 mond sent to the Council to acquaint that Board that a sufficient Number of Members are met to make a House.

They return and say they delivered the Message and that the Hon̄ble President will send for them by some Members of that Board

The Hon̄ble Samuel Young Esq. and Col° Tilghman from the Council enter the House and inform Mr Speaker the Hon̄ble President commands him and the House to attend him at the Council Chamber

The House adjourns to the Council Chamber where being admitted the Hon̄ble President was pleased to speak to them as follows.

Mr Speaker and you Gentlemen of the House of Delegates.

p. 378 Nothing of Consequence happening since the last Session, have with the Advice of her Majestys Hon̄ble Council as well as by my own Inclination delayed convening you till this Time. I persuade myself you will approve our Conduct therein and will now heartily join with us in concerting the speediest Methods for accomplishing the Business of this Session and raising such Supplies as may be wanting to defray the publick Charge of this present year. I acquainted you last Session that I am restrained from passing any Acts in the Absence of a Governor in Chief but what are immediately necessary for the Preservation of the Peace & Welfare of the Province without her Majesty's particular Order for that Purpose. I doubt not but it is yet fresh in your Memorys for which Reason expect you will not move me to act contrary to what I am so strictly charged with, considering you will reap no other Advantage than to prolong this Session and burthen the Country with Charge.

Gentl. Sir Thomas Lawrence her Majesty's Secretary of this Province believing himself hardly used in being kept out of the Benefits accruing by Ordinary Licenses upon a further Representation of his Case has obtained her Majesty's Order requiring me at the first Assembly which shall meet after the Receipt thereof to signify to you in the most earnest Manner that notwithstanding the several Orders made in Council and Letters her Majesty has been pleased to write in his Behalf after his Case had been fully examined by the Com^rs^ of Trade and Plantations and the Attorney General who all agreed in representing the Hardships thereof has hitherto met with no Compliance for which Reason her Majesty is pleased to signify her Will and Pleasure and to command me to acquaint you she expects you should forthwith pass a Law for regulating

Ordinaries without Limitation of time at least for a longer Duration than it hath hitherto been made and that the Benefit of the Licenses be thereby appropriated to the Use of the Secretary for the Time being as fully and to all Intents and Purposes as the said Sir Thomas Lawrence or any other Secretary of this her Province hath at any Time heretofore had or lawfully enjoyed. L. H. J. Lib. 41

And that She does further expect you give unto the said Sir Thomas Lawrence an equitable Consideration for the mean Profits of the said Office which he hath lost since the Year 1704.

Mr Speaker and you Gentl. shall have the Perusal of her Majesty's above recited Order by which you will see how strictly I am commanded to press these Matters home to you and doubt not but you will take it into your serious Consideration and prudently shew your ready Compliance in a Matter that has so often been adjudged to be his Right

Afterwards the House adjourned to their own House and Mr Speaker took the Chair and Ordered Mr Edward Scott, Mr James ffrisby and Maj^r^ Walter Storey attend the Hon̄ble President and Council to see Col^o^ Blay, Col^o^ Smallwood, Mr Vanderheyden and Mr Peregrine Frisby sworn. p. 379

They return and say they see them qualified and ordered the Gentl. take their Places in the House

Mr Mariartee and Mr Broome enter the House.

Ordered That the Reverend Mr Butler read Prayers as usual at the usual Times

Rules of the House read, agreed to and set up.

Resolved the House meet every Day at Nine O'Clock in the Morning and continue sitting till four in the Afternoon

Resolved twenty two Members and Mr Speaker make a House to proceed on Business this Session.

The House adjourns till Nine O'Clock to Morrow Morning

Wednesday the 28th October 1713

The House met according to Adjournment and present as Yesterday with the Addition of Captain Richard Jones and Major Sprigg

Appointed for Committee of Accounts, Mr Leech, Mr Hill, Mr Scott & Mr Brooke

Appointed for Committee of Laws Mr Ward, Mr Worthington, Mr Wells, Mr Garrett, Mr Loockerman and Col^o^ Mackall.

L. H. J. Lib. 41 Appointed for Committee of Election & Priviledges Mr John Mackall Mr Jones Mr Ennalls Mr Jowles & Mr Codd.

Appointed for Committee of Aggrievances Mr Tyler Mr Mariartee Mr John Whittington and Mr Trippe.

Ordered Mr Evan Jones be Clerk Assistant to the Clerk of this House and that he be admitted into the House.

Petition of Benjamin Woodward and Mary his Wife, Read, and at their Prayer further referred till next Sessions.

The President's Speech Read and Ordered the Committee of Laws prepare an Answer thereto and lay it before this House to Morrow Morning

The Members for Baltimore County appearing without Indentures—Ordered they withdraw and That the following Order be sent to the Sheriff of that County

By the House of Delegates
October 28th 1713.

Forasmuch as the Indentures returned to the Clerk of the Crown for the four Delegates of Baltimore County are not to be found whereby this House cannot admit them into the House and are thereby deprived of four of their Members It is therefore Ordered by the House That the Sheriff of Baltimore County immediately on Receipt hereof return or bring to the Honble Speaker of this House the Counter Parts of the Indentures for the said Delegates and that the Sheriff of Ann Arundl County immediately serve the Sheriff of Baltimore County with this Order who is commanded to comply therewith or shew his Reasons to the Contrary

Thomas Emmes Petition Read and referred to the Committee of Laws to examine the Petitioners Pretensions &
p. 380 Allegations and report their Opinion therein to the House

Colo Ennalls, Colo Tilghman, Colo Addison and Samuel Young Esqr from the Council enter the House and deliver Mr Speaker the following Message and several Papers therein mentioned Viz.

By the President and Council in Assembly
8br 28th 1713

Gentl.

We have herewith sent you her Majesty's Commands in her Letter of the 20th of October 1712 and her Order in Council of the 30th of March 1710 in ffavour of Sir Thos Lawrence Bart her Majesty's Secretary of this Province and earnestly recommend to you to demonstrate your Duty and Regard to her Most Sacred Majesty by your due Consideration

thereof and ready Compliance with her Commands and Directions therein expressed L.H. J. Lib. 41

Signed p Order W Bladen Cl. Council.

Ordered the following Message be sent to the Council

By the House of Delegates
8br 28th 1713

We find by the Journal of our House in 9br 1709 that we addressed her Majesty in full Answer to Sir Thomas Lawrence's Complaint By any Thing appears by her Majesty's last Order this Day transmitted us we cannot find the same was ever presented to her Majesty We desire your Honours to inform us if ever they were transmitted to England.

Signed p Order Richd Dallam Cl. Ho. Del.

Sent p Mr Tyler & Mr Ennalls who return and say they delivered their Message

Read the Petition of John Cole and Leave given to bring in a Bill as prayed

Bill for Relief of John Cole read the first Time & ordered a second Reading to Morrow Morning

The House adjourns till to Morrow Morning Nine O'Clock.

Thursday the 29th October 1713

The House met again according to Adjournmt

Being called over were present as yesterday. Read what was done yesterday

Mr Thomas Robins Excuse allowed. Ordered the following Message be prepared and entered

By the House of Delegates
29th 8br 1713

This House being informed that the Land and other Records are much damnified we humbly desire that some of her Majesty's Honble Council may be joined with some of the Members of this House to enquire the same and of the proper Methods for the better Preservation of those Records for the future

Richd Dallam Cl. Ho. Del.

Sent up to the Council p Mr Tyler and Mr Solomon Wright. They return and say they delivered the same

L. H. J. Lib. 41 Petition of Stephen Rich of Queen Ann's County Carpenter praying Naturalization of himself and Children Read and Leave given to bring in a Bill as prayed and also of John Lamee of Dorchester County for the same

Josias Crouch Petition Read and referred to the Committee of Laws to examine the Petitioner's Pretensions & Allegations and report their Opinion therein to the House

p. 381 Bill for Naturalization of John Lamee, Stephen Rich and their Children Read the first Time and ordered a second Reading to Morrow Morning

Committee of Laws enters the House and delivers the following Report which being read and approved of by the House was ordered to be entered as follows in Answer to the Hon̄ble President's Speech Viz.

To the Hon̄ble Edward Lloyd Esqr President of her Majesty's Hon̄ble Council in Maryland and Commander in Chief thereof

We acknowledge ourselves abundantly obliged to return you our hearty Thanks not only for your prudent Timing of this Session but for the generous Regard you have at all Times had for the Honour of her Majesty for the making easy the Annual Charge of the Province and for the general Welfare of the Inhabitants thereof: And as we have hitherto had sufficient Reason to applaud the Ingenuity of your Administration in making your Duty to her Majesty and Love to her Subjects so eminently appear that none can accuse you of Neglect in either we hope we shall not have less Reason so to do at the End of this Session than heretofore we have had We shall be very glad of the Opportunity of joining with you and her Majesty's Hon̄ble Council in the dispatching the Business of this Session and making it as short as the present Exigencies of the Province will allow But as the very Meeting of this General Assembly is a considerable Charge and the Sitting thereof the greatest which we are to tax we hope we shall do more before we part than barely tax that Charge our Meeting has created. Her Majesty's Instructions are so well remembered that we shall not propose the passing any Acts that are not immediately necessary for the Peace and Welfare of the Province and therefore we assure ourselves of the more ready Concurrence of your Honour and her Majesty's Hon̄ble Council here to those we shall propose that are By this Means we hope the Session may be made both short and serviceable

We shall pay a due Regard to her Majesty's Order relating to Sr Thomas Lawrence's Claims and shall examine the Jour-

nals and Proceedings of former Assemblies in Referrence thereto and give your Honour a true State of that Case L. H J. Lib. 41

Signed p Order Ho. Del. Rich[d] Dallam Clk.

29th 8br 1713

Sent up to the Honble Council by Col° Hoskins, Majr Sprigg Mr Richard Jones, Mr Chesseldyne, Mr Solomon Wright, Mr Lloyd, Mr Peregrine ffrisby and Capt. Ennalls.

They return and say they delivered the same

The Honble Col° Addison from the Council enters the House and delivers Mr Speaker the following Message Viz.

By the President and Council in Assembly
28th 8br 1713

Gentl. In Answer to your Message by Mr Tyler and Mr Ennalls, we can assure you that the Address you say you made her Majesty in the Year 1709 in full Answer to Sr Thomas Lawrence's Complaint if ever committed to our Care was transmitted to the Lords Commrs of Trade and Plantations but whether the then Assembly recommended it to our Care or not or that it ever was presented to her Majesty seeing we have no Agent in Great Britain to transact Affairs on Behalf of the Province we cannot say p. 382

Signed p order W Bladen Cl. Co.

Read, debated and Resolved her Majesty be addressed in Relation to Sir Thomas Lawrence an Agent employed and the following Message be sent to the Council Viz.

By the House of Delegates
29th 8ber 1713.

We have considered your Message by Col° Addison and are sorry to find so little Regard had to the Addresses of this House to her Majesty we have resolved to address her Majesty now in Relation to Sir Thomas Lawrence and for the better security of having such Address presented have Resolved on the employing an Agent and desire your Honours will not only join with us in that Address but recommend to us some Person you think capable of serving the Country therein and to that End pray a Conferrence thereon with our Members undernoted at such Time and Place as your Honours shall appoint

Signed p Order Ho. Del. R Dallam Clk Ho. Del.

L. H. J. Lib. 41 Conferrees appointed Col° Ward, Mr Worthington, Mr Tyler, Capt. Jones, Col° John Mackall, and Col° Hoskins.

Sent to the Hon̄ble Council by Col° Hoskins, Major Hammond, Mr James Mackall, Mr James ffrisby, Mr Charles Wright, and Mr John Purnell.

They return and say they delivered their Message

Col° Ennalls from the Council enters the House & delivers Mr Speaker the following Message Viz.

By the President and Council in Assembly
29th 8^ber^ 1713

We approve of your Proposal for appointing some of the Members of your House together with some of this Board to enquire into the State of the Land & other Records and when you let us know what Members of your House are appointed for that Service and the Time when, we shall take Care to join some of our Board with them

Signed p Order W Bladen Cl. Council

Read and answered as follows.

By the House of Delegates
29th October 1713

In Reply to your Message this Day by Col° Ennalls we have appointed Col° Philip Hoskins, Mr James Mackall, Mr James ffrisby, and Capt. Jones Members of this House to join with the Members of her Majesty's Hon̄ble Council to enquire into the State of the Land and other Records this Afternoon or when your Honours think fit

Signed p Order R Dallam Cl. Ho. Del.

Sent by the Gentlemen named in the Message

They return and say they delivered their Message

p. 383 Committee of Laws report what Laws expire Viz.

An Act for the more speedy conveying of publick Letters and Packets of this Province and defraying the Charge thereof

Resolved the same be revised and made perpetual with Addition of Letters from the Speaker and Clerk of the House of Delegates to be publick Letters within that Act

An Act for Relief of Debtors and ascertaining the Manner of Tenders in Tobacco

Resolved it be revised & made perpetual the two Persons that view the Tobacco to be Freeholders

An Act reviving an Act Entitled an Act of Directions for the Sheriff's Office in this Province and for the more easy Payment of the publick and County Levy L. H. J. Lib. 41

Resolved it be revised and made perpetual

An Act for killing Wolves, Crows and Squirrels.

Resolved to be revised and made perpetual and the Law for Squirrels repealed

An Act Entitled an Act prohibiting the Importation of Bread, Beer, flour, Malt, Wheat, or other English or Indian Grain or Meal, Horses, Mares, or Fillies from Pensylvania and the Territories thereunto belonging.

Put to the Question whether this Law be revived as it is or not? Carryed by Majority of Votes in the Affirmative.

Col° Holland, Col° Ennalls, Col° Greenberry & Col° Whittington from Council enter the House & deliver Mr Speaker the following Message

By the President and Council in Assembly
29th 8^ber^ 1713

In Answer to your Message by Col° Hoskins and five other of your Members we know not what Reason you have to complain to us of the little Regard had to the Addresses of your House or what it is you tax us with. As to your Resolve of addressing her Majesty in Relation to Sir Thomas Lawrence's Complaint and employing an Agent to take Care of the Delivery thereof and desire we should join with you in such Address and recommend to you a capable Person to serve the Country on this Occasion her Majesty having so expressly declared her Royal Will and Pleasure in favour of Sir Thomas Lawrence we do not think fit to join in any Address contrary to her Pleasure so often and so particularly declared by both her Letters and Orders in Council. And tho' we think it absolutely necessary for the Good and Welfare of the Province and should be heartily glad to join with you in appointing a capable Person to be Agent for, and represent this Province on all Occasions yet if we should concur to appoint an Agent particularly on this it would seem in us a manifest Opposition of her Majesty's Commands.

Wherefore we cannot agree to the Conferrence desired and therefore once more earnestly desire you will maturely and with the greatest Caution consider what may be the ill Consequences of refusing a due Compliance to her Majesty's most Sacred Commands now before you

Signed p Order W Bladen Cl. Council

L. H. J. Lib. 41 Upon reading the Coigoing Message Ordered it be answered as follows John M

p. 384 By the House of Delegates
October 29th 1713

In our Message by Col° Hoskins and others we did not tax your Honours with any Disregard had by you of any of our Addresses but complain of some Hardships we lye under for Want of having that Address presented and very readily acquainted your Honours with our Resolve of addressing her Majesty relating to Sr Thos Lawrence and upon reading your Message referred from last Session relating to an Agent Resolved upon the employing one on all Occasions; and tho' your Honours do not think fit to join with us in the Address yet we hope you will concur with us in the appointing an Agent and agree to the Cenferrence desired for that Purpose and doubt not but we shall give your Honours such Demonstrations of our Duty and Obedience to her Majesty's Commands as will be to your Satisfaction

Signed ꝑ Order Richd Dallam Cl. Ho. Del.

Sent to the Council ꝑ Mr Ward, Mr Worthington, Mr Tyler, Capt. Jones, Mr John Mackall and Col° Hoskins.

They return and say they delivered their Message

The Hon̄ble Samuel Young Esq. from the Council enters the House and delivers Mr Speaker the following Message.

By the Hon̄ble President and Council in Assembly
Octobr 29th 1713

Resolved That the Hon̄ble Samuel Young Esqr and Lt Col° Charles Greenberry join with the Members of the House of Delegates to enquire into the State of the Land and other Records and give them notice that they will attend that Service to Morrow Morning

Signed ꝑ Order W Bladen Cl. Council

Upon reading thereof Ordered the Members of this House appointed for that [service] attend their Honours accordingly

His Honour Mr Young also delivered Mr Speaker the Petition of Robert Scott & Charles Neale of Saint Mary's County praying a Bill to supply some Defect in the Will of Raphael Heywood late of Saint Mary's County recommended from the Council

Read in the House and referred to the Committee of Laws

to examine the Petitioners Allegations and Pretensions and report their opiniou therein to the House L. H. J. Lib. 41

Bill for Relief of John Cole Read the second Time and will pass

The House adjourns till to Morrow Morning Nine O'Clock

Friday 30th October 1713

According to Adjournment the House met and present as Yesterday.

Read what was done Yesterday

Petition of Charles Pasteur Read and granted upon his taking the Oaths &ta and Ordered he be put into the Bill with others

Bill for Naturalization of Stephen Rich and others Read the Second Time & will pass

Roger Boyce's Petition Read. Mr Thomas Bordley appeared and by Consent of both Parties Resolved it be continued till next Session That an Order issue to the Clerk of Calvert County Court to bring up before this House at their next Meeting the Record Book and that each of the Parties may summon Evidences then to appear before this House p. 385

Bill for restraining the ill Practice of Sheriffs in executing Writs of fieri facias &ca referred from last Session Read the first Time and Ordered a second Reading to Morrow Morning

Colo Addison and Colo Tilghman from the Hon̄ble Council enter the House and deliver Mr Speaker the following Message Viz.

By the Council in Assembly
29th October 1713.

On Consideration of your Message by Colo Tilghman Ward and others of your House we shall readily concur with you in appointing an Agent in Great Britain to transact the Affairs of this Province on all Occasions; and when you shall notify what Members of your House you appoint upon that Conference we shall give Directions to some of our Board to join them on the Subject Matter of appointing such Agent being truly sensible it will redound to the great Benefit of the Country

Signed p Order W Bladen Cl. Co.

Read and Ordered it be answered as follows.

By the House of Delegates
30th October 1713

In Reply to your Message this Day by the Hon̄ble Colo Addison & Colo Tilghman relating to appointing an Agent we

L. H. J. Lib. 41 have appointed Col° Ward, Mr Worthington, Mr Tyler, Capt. Jones, Col° Mackall and Col° Hoskins Members of this House to join in Conferrence with the Members of her Majesty's Hon̄ble Council on that Subject this Day at Mr Dodd's if your Honours think fit

Signed p Order Richd Dallam Cl. Ho. Del.

Sent to the Hon̄ble Council by the Gentlemen mentioned in the above Message with the two Bills one for Naturalization of several Persons and the other for Relief of John Cole of Charles County.

Henry Acton's Petition Read, Service proved and Cert. from the Heirs that they have nothing to say to the contrary Therefore Leave given to bring in a Bill as prayed

Col° Whittington from the Council brings Petition of Strotten Burton praying Allowance for his Service as a Look out in Somerset County Ordered it be referred till the Journal of the last Committee of Accounts be inspected

Supplementary Act to the Act for Probat of Wills &^ca^ Read the first Time and Ordered a second Reading to Morrow Morning

Bill permitting Inhabitants of this Province to sue out Writs and confess Judgment in their own Name referred from last Session Read the first Time and Ordered a second Reading to Morrow Morning

The Message on Reference about Magazine Houses Read and debated Resolved the Arms and Ammunition continue in the Officers Hands as formerly and that the House will not further proceed therein

p. 386 Ordered Mr Watts, & Mr Chesseldyne attend Mr Phelps to the Council to see him prove his Naval Officers Accounts.

They return & say they saw him sworn thereto

Ordered Richard Dallam be allowed a 1000 ^lb^ Tob° for recording each Journal to be paid him in Calvert County

Sheriff of Baltimore returns Indentures for Mr Colegate, Mr Stevenson Mr Talbot and Mr Hammond four Members to serve in this Assembly for that County who appeared in the House and Ordered Mr Mariartee and Maj^r^ Hammond attend them to the Council to see them sworn.

They return and say they saw them sworn and the said Gentlemen took their Places in the House

Ordered the Committee of Election and Privileges go out and enquire into the Indentures and report the same to the House with all Expedition

Col° Holland, Col° Tilghman, and Samuel Young, Esqr from the Council enter the House and inform Mr Speaker they are appointed Conferrees by the Hon̄ble Council about an Agent and are ready to attend the Members of this House thereon. L. H. J. Lib. 41

Ordered Mr Colegate be added to the Committee of Laws and that he attend the same

Bill for Relief of Henry Acton of Prince George's County Read the first and second Time by special Order and will pass.

Signed p̄ Order R. Dallam Cl. Ho. Del.

Sent up to the Council by Major Sprigg and M^r^ ffendall They return and say they delivered the same.

Ordered That all such Summons as issue for any Evidences to attend this House be signed by the Clerk of this House directed to the Sheriff of the County where such Evidences live and that the Sheriff make Return thereof and that the Clerk and Sheriff be paid and allowed the same Fees for such Summons and Services as is allowed for the same in the Prov^l^ Court

Col° Ennalls and Col° Addison from the Council enter the House and deliver Mr Speaker a Message and Papers relating to Indians and ordered they be laid by till to Morrow.

Col° Whittington and Col° Addison from Council enter the House and deliver Mr Speaker the following Bills Viz.

Bill for Relief of Henry Acton & Indorsed

By the Hon̄ble Council
8ber 30th 1713

Read at this Board the first Time and will pass.

W Bladen Cl. Council

By the House of Delegates
Eod. Die

Read and past for ingrossing

R. Dallam Cl. Ho. Del.

Bill for Relief of John Coale Indorsed

By the Council in Assembly
October 30th 1730

Read the first Time and recommended that Mr William Bladen who claims an Interest in the Lands in the Bill mentioned be heard thereto before the Bill pass

Signed p̄ Order W Bladen Cl. Co.

L. H. J. Lib. 41

By the House of Delegates
Eodem Die

Mr Daniel Dulany is ready to argue and give your Honours Satisfaction on the Bill and prays to be heard thereto

Richd Dallam Cl. Ho. Del.

The Bill with the Papers relating thereto sent up to the Council by Mr Dulany Bill for Naturalization of Stephen Rich and others &ta Indorsed Viz

p. 387

By the Council in Assembly
30th 8ber 1713

Read the first Time and will pass as to Stephen Rich and John Lamee and their Children but the Board do not think it reasonable to naturalize an Inhabitant of another Province Viz. Charles Pasteur

W Bladen Cl. Council.

By the House of Delegates
Eodem Die

This Charles Pasteur has purchased some Land in Baltimore County at Bush River and is removing himself and Family there for which Reason with his taking the Oaths we agree to the Bill and pray it may pass

Signed p Order Richd Dallam Cl. Ho. Del.

The above Bill sent up to the Honble Council by Capt Colegate and Mr Talbot who return and say they delivered the Bill

Col° Maxwell according to former Order lays before this House the Agreement made with him for building Baltimore County Court House Ordered it be laid by till to Morrow

Petition of the Rangers of Baltimore County Read and referred to the Committee of Accounts to inspect their last Journal.

The House adjourned till to Morrow Morning Nine O'Clock

Saturday 31st Octobr 1713

The House met according to Adjournment Called over and present as yesterday. Read what was done yesterday

Papers relating to Indians brought from the Council yesterday by Col° Ennalls and Col° Addison according to Order here read and ordered to be entered as followeth Viz.

By the Hoñble President and Council in Assembly
October 30th 1713. L. H. J. Lib. 41

Upon the Emperor of Nanticoke's leaving his Indians last Winter this Board understanding he was gone up to the Susquehannah's and being apprehensive he might insinuate that he had received some Injury from the English and endeavour to obtain their Assistance to reduce his own People or otherwise molest this Government we thought it advisable in Order to prevent the Northern Indians giving him too easy Credit to sent the Hoñble John Hall Esqr Colo James Maxwell and Major Phillips to the Indians on Susquehannah to discourse them on that Occasion. Whereupon the said Gentlemen made the Return herewith laid before you, as we then did, so we have still great Reason to believe the said Messengers on that Occasion did particular Service to the Province and quieted the fears of many of the Inhabitants wherefore we desire you will see them handsomely satisfied for their Labour; a rough Draft or Account whereof is herewith sent you. It being likewise thought advisable to aquaint the Nanticokes with the Purport of that Message and Return made by the Gentl. lest they should have any Suspicion we had treated with the Susquehannah's to their Prejudice. The Hoñble Colo Ennalls, Major Hicks and Mr Hudson were ordered to acquaint them therewith and at the same Time to present them with twelve yards Stroud Water for which we desire Colo Ennalls may be allowed his Account of five Pounds six Shillings

Signed p Ordr W Bladen Cl. Council.

Upon reading the aforegoing Message and other Papers therein mentioned. Resolved the Committee of Accounts and that the Message be answered as follows.

By the House of Delegates
31st October 1713

We return your Honours all dutiful Acknowledgment for your Care in sending such worthy Persons to the Northern and Nanticoke Indians on the Emperor of Nanticoke's leaving his People and highly approve your Honours Conduct therein and hope you will on all Occasions continue your usual Care in such Matters. We have given Orders to the Committee p. 388 of Accounts to make those Gentlemen and others by them employed such Allowances as we hope and expect will be to their Satisfaction

Signed p Order R. Dallam Cl. Ho. Del.

L. H. J. Lib. 41 Sent up with the Gentlemen's Report to the Council by Mr Colegate, Mr Talbot, Mr Ennalls and Mr Woolford, who return and say they delivered the same Richard Acton's Petition Read and ordered to be indorsed

31st October 1713

Read and debated and Resolved the Petitioner lay before this House on Monday Morning next an Account what the Land was valued at by the Jury and what he sold the same for and the House will then further consider thereof

R. Dallam Cl. Ho. Del.

Conferrees enter the House and report they are humbly of Opinion that Colo Nathaniel Blackiston is a very fit Person to serve the Country as an Agent and that his Salary be one hundred and twenty Pounds Sterling p Annum during such Time as he shall continue in that Station Which being read and considered the House concur with the Conferrees and sent up to the Council for their Concurrence by the Gentl. Conferrees.

They return and say they delivered the same.

Mr Docwra being sick has Leave to go Home.

Colo Tilghman from the Council enters the House and delivers Mr Speaker Bill for Relief of John Cole agreed to by the Council. Read again in the House and past for ingrossing.

Bill for Naturalization of Rich & Lamee agreed to but as to Charles Pasteur Indorsed as follows Ordered the Bill for Naturalization of Rich and Lamee be ingrossed.

Committee of Election & Privileges enter the House and report that Mr Richard Colegate, Mr Thomas Hammond Mr Edward Stevenson and Mr William Talbot the four Members returned for Baltimore County are duly elected. Ordered the counter Part of the Indentures be delivered the Sheriff of Baltimore County.

The Referrence relating to the undertaker of the Building of Baltimore County Court House and the Record of the Agreement made for the same Read and debated and Resolved the following Message be sent to the Council Viz.

By the House of Delegates
31st October 1713

Colo James Maxwell the Undertaker for building of Baltimore County Court House pursuant to the Ordinance made last Assembly laid before the House the Agreement made with him by the Justices for building that Court House at

Joppa. We have heard considered and debated the same and find no material Objections thereto, only its said the House is not quite finished therefore Resolved That the Justices of that County may proceed therein according to their Directions notwithstanding the aforesaid Ordinance to which we desire your Honours Concurrence L. H. J. Lib. 41

Signed p order R Dallam Cl. Ho. Del.

Sent up to the Hon̄ble Council by Col° Hammond and Mr Talbot

They return and say they delivered the same.

Mr Robert Tyler from the Committee of Aggrievances enters the House and delivers their Report Ordered it be laid by till Monday

The Hon̄ble Samuel Young and Richard Tilghman Esq^rs^ enter the House & deliver Mr Speaker the Report of the Conferrees agreed to by the Council &^ta^

Supplementary Act to the Act for Probat of Wills &^ta^ Bill to restrain the ill Practice of Sheriffs in executing Writs of fieri facias. p. 389

Bill permitting the Inhabitants to sue out Writs and confess Judgments in their own Names &^ta^ All these three Bills Read the second Time and will pass

R. Dallam Cl. Ho. Del.

Sent up to the Hon̄ble Council for Concurrence by Mr Garrett, Mr James ffrisby, Mr James Mackall & Mr Woolford.

They return and say they delivered the Bills

Bill for Relief of poor Debtors and ascertaining the Manner of Tenders in Tobacco

Bill for killing Wolves, Crows and Squirrels

Bill for more speedy conveying publick Letters and Packets Read and severally Indorsed

By the House of Delegates
31st October 1713

Read the first Time and ordered a second Reading on Monday Morning next

R. Dallam Cl. Ho. Del.

Josiah Crouch Petition with the Report of Committee of Laws thereon Read and Leave given the Pet^r^ to bring in a Bill as prayed

Robert Scott and Charles Neale's Petition with the Report

L. H. J. Lib. 41 of the Committee of Laws thereon Read and referred for further Consideration next Sessions

Anthony Joy's Pet[n] Read and referred to the Committee of Laws to examine the Pet[rs] Pretensions and Allegations and report their Opinion therein to the House

The House adjourns till Monday Morning Nine O'Clock.

Monday 2nd Nov. 1713

The House met according to Adjournment Called over and the following Members absent. Capt. Jones, M[r] Joseph Hill sick, and M[r] Wells

Read what was done on Saturday

Bill for killing Wolves, Crows and Squirrels.

Bill for Relief of Debtors and ascertaining the Manner of Tenders in Tobacco both read the second Time & will pass.

Bill for more speedy conveying publick Letters & Packets Read the second Time and committed for Amendment

Report of the Committee of Aggrievances brought into the House on Saturday Read and debated and Ordered to be entered Viz.

By the Committee of Aggrievances
October 31st 1713

It's humbly offered to this Committee as an Aggrievance that whereas Negroes that are Slaves when accused of Stealing or thieving any Goods or Chattels of a small Value are committed into Prison until they receive a Trial for the same by a due Course of Law whereby it burthens the Counties by paying the several Officers ffees accruing by Occasion thereof they being Slaves and not capable of making Satisfaction by Servitude or otherwise either to the County for their ffees or to their Masters for the Loss of their Service All which might be prevented if any one or two Justices of each County had Power to punish such Negroes for the Crime aforesaid as the Nature of the Case should require All which is referred to the House for their Consideration.

Signed p Order John Beale Cl. Com.

Upon reading the above Report the House concurs with the Committee & Resolve it is an Aggrievance and referred for further Consideration next Session of Assembly

Referrence from Saturday of Richard Acton's Petition Read and at his Prayer referred till next Session of Assembly.

Bill for Relief of Josias Crouch Read the first and second Times by special Order and will pass L. H. J. Lib. 41 p. 390

The three Bills past this Day sent to the Council p Mr Talbot Mr Broome, Major Sprigg, and Mr Pearce who return and say they delivered the Bills

The Petition of John Rousby Esq Read and ordered to be entered as followeth

To the Hon̄ble the House of Delegates

The Humble Petition of John Rousby Naval Officer of Patuxent District Humbly Sheweth

That your Petitioner as Naval Officer has received for the several Duties payable to the Country amongst other ready Money some Gold which he hath offered to the Hon̄ble Samuel Young Esq. Publick Treasurer of Western Shore who altogether refuses to receive or take the same and your Petitioner conceiving himself much injured thereby he being obliged to receive ready Money humbly prays the Direction of this Hon̄ble House therein and that the said Treasurer may be obliged to receive the same from your Petitioner and if your Honours shall think it more advantageous and for the Ease of the Country your Petr for two p Cent more than what is now paid him will be obliged to bring the Money to Annapolis at such Time as he shall be commanded and there pay the same to such Person as he shall be directed by the Committee for apportioning the publick Levy and humbly prays the Consideration of this Hon̄ble House in the Premises And as in Duty bound he will pray—

By the House of Delegates
second November 1713

We have read and considered the within Petition and conceive it's very reasonable the Treasurer should at present receive the Money in Gold from the Naval Officer as he has taken it all the Members of this House being willing to take it at the same Rate from him if now ordered them. And as to the latter Part of the Petition we think it very generously offered by the Petitioner to save the Country the Charge of three p Cent. And that the Treasurer is such an Officer as may be very well spared being of no other Service than to run the Country to Charge and impose upon them (of which we are not without President) and if all the Naval Officers give good security for Performance of their Duty we are very willing to discharge the Country of the Treasurers Salaries of five p Cent to which we desire the Concurrence of the Honble

L. H. J. Lib. 41 Council and that they please to let this House know what Security the present Treasurers have given.

Signed p Order R. Dallam Cl. Ho. Del.

Sent up to the Council by Mr James Mackall, Mr James Lloyd, Mr James ffrisby and Mr Jowles, who return and say they delivered the same.

Samuel Young Esqr from the Council enters the House and delivers Mr Speaker the Petition of John Smith of Cecil County recommended from the Council. Read and referred for Consideration to Morrow.

Bill for Relief of Josiah Crouch Indorsed

Eodem Die

Read in Council and will pass.

W Bladen Cl. Council

The Bill read again in the House and past for ingrossing

Bill for killing Wolves, Crows and Squirrels Indorsed

2d Novr 1713

Read in Council and for the more effectual destroying of Wolves recommended the same Encouragement be given the Indians as English

W Bladen Cl. Council

p. 391 By the House of Delegates
Eodem Die,

Read again, the Amendments proposed agreed to, and will pass as now amended.

Sent up to the Council by Mr Chesyldine and Mr Wm Whittington.

They return and say they delivered the same.

Bill for Relief of Debtors and ascertaining the Manner of Tenders in Tobacco Indorsed

Eodem Die

Read in Council the first Time and recommended that an effectual Clause be added to punish such who shall false pack Tobacco.

Signed p Ordr W Bladen Cl. Co.

Colo Addison from the Council enters the House and

delivers Mr Speaker Bill for killing Wolves, Crows and Squirrels Indorsed L. H. J. Lib. 41

Eodem Die

Read in Council and will pass

W Bladen Cl. Council

Eodem Die

Read again in the House and past for ingrossing.

R. Dallam Cl. Ho. Del.

Colo Greenberry from the Council enters the House and delivers Mr Speaker the following Message Viz.

By the Council in Assembly
November 2d 1713

On Consideration of Mr John Rousby's Petition the Board do direct the publick Treasurer to take the Gold received by the Naval Officer, but as to laying aside that Officer he being appointed by Law we cannot consent thereto especially if he gives good Security for his Office and notwithstanding the Offer of one Naval Officer to bring the money to Annapolis and pay it unto such Person to whom the same shall be ordered by the Committee for appointing the publick Levy the rest of the Naval Officers may not be willing thereto. We do not know of any Security given by the Treasurers of either the Eastern or Western Shore for the Discharge of their Office

Signed p Order W Bladen Cl. Council.

Read and debated and Resolved it be answered as followeth

By the House of Delegates
2nd Nov. 1713.

In Reply to your Message this Day by the Hon̄ble Colo Greenberry this House say they know of no Law to appoint the Treasurers and since your Honours know of no Security given by them we think those Officers may be the more easily discharged, for certainly if there be any Law to appoint them it obliges them to give Security and we are of Opinion that the Right both of appointing and directing the Treasurers is in this House and we are satisfied that no Treasurer ought to be but what is appointed, or at least recommended by this House and continue no longer than they think fit, neither do they think it convenient that a Treasurer should be a Member

L. H. J. Lib. 41 of her Majesty's Hon̄ble Council or be directed any Ways but by this House to pay any Money raised for the Country's Service.

Signed p Ord^r R. Dallam Cl. Ho. Del.

Sent up to the Hon̄ble Council by Col° Ward, Mr Garrett, Mr Lloyd, Mr Worthington, Mr Ennalls and Mr James Frisby.

They return and say they delivered the same

Bill for Relief of poor Debtors and ascertaining the Manner of Tenders in Tobacco Read again with the Indorsment from the Council and Resolved it be Indorsed

By the House of Delegates.
Eodem Die

This House are of opinion such a Clause as proposed will be better in a separate Bill and therefore cannot agree to the Amendment proposed and desire the Bill may pass as it is

Richd Dallam Cl. H. Del.

p. 392 Mr Tyler from the Committee of Aggrievances enters the House and delivers Mr Speaker a Report. Ordered it be laid by till to Morrow Morning

Col° Whittington from the Council enters the House and delivers Mr Speaker the Message relating to Col° Maxwell's Building Baltimore County Court House agreed to by her Majesty's Honble Council

Ordered by the House the said Col° Maxwell pay to the Clerk of this House five hundred Pounds of Tobacco for ffees occasioned by his laying before this House the Records &^ta

The House adjourns till to Morrow Morning Nine O'Clock

Tuesday 3^d Nov. 1713

According to Adjournment the House met and called over and present as yesterday.

Mr Wells and Capt Jones enter the House Read what was done yesterday.

The Report of the Committee on Aggrievances brought into the House yesterday Read and ordered to be entered Viz.

By the Committee of Aggrievances
Novr 2nd 1713

It's humbly offered to this Committee as an Aggrievance that the several Petit Jurors summoned for the several Coun-

ties of this Province to attend the Provincial Court are obliged to attend the same without Allowance to defray their Charges except one hundred and twenty Pounds of Tobacco in a Cause which is but a small Allowance to defray the Charges of two Juries for fourteen or fifteen Days having perhaps but ten or twelve Causes in a Court (and some Courts much less) by Occasion whereof the said Jurors not only suffer in the Loss of their Time from their Families but undergo great Hardships in attending the said Court having not wherewith to accomodate themselves. All which is referred to the House for their Consideration therein L. H. J. Lib. 41

Read and debated and Resolved it is an Aggrievance and that a Bill be brought in to remedy the same. Put to the Question whether all Petit Jurors attending the Provincial Court as well in Criminal Cases as between Party and Party shall have Allowance from the Public or not? Carryed in the Affirmative and Resolved they be allowed thirty Pounds of Tobacco ꝑ Diem to be paid by the Public to each Juror besides the 120 ℔ Tobacco to be tax'd in the Bill of Costs to be paid by the Party against whom the Verdict is found as usual and that there be allowed to every Evidence attending the Provincial Court for the Queen against any Criminal forty Pounds of Tobacco ꝑ Diem to be paid by the Public where the Party accused is found guilty and where the Party accused is acquitted to be paid by him and such Evidences in the County Court to be paid as aforesaid thirty Pounds of Tobacco ꝑ Diem.

Resolved That a Clause be added in the said Act that no Sheriff shall summons any Person to serve as a Petit Juror in the County or Provincial Court that has any Cause for Trial at that Court to which he is summoned to serve as a Juror. They also report that it is an Aggrievance that the several Inhabitants of this Province have lost several of their Cattle by straying away from them because the Persons where the said Cattle stray to do not publish that they have such stray Cattle use their Plantation at some publick Place in each County but for Self Interest to themselves they generally conceal them there being no Law to compel them to publish the same. All which is likewise referred to the House for their Consideration therein

Signed ꝑ Order Jn° Beale Cl Comm.

Resolved it is an Aggrievance and referred till next Session of Assembly for further Consideration. p. 393

Resolved her Majesty be addressed in Relation to the Tobacco Trade and that the President and Council be desired to join therein Viz.

L. H. J. Lib. 41

By the House of Delegates
3d November 1713

This House have Resolved to address her Majesty and remonstrate to the Lords Commissioners of Trade and Plantations the many and unsupportable Difficultys the Tobacco Trade lyeth under and desire the Hon̄ble Council will join with us in such address and appoint a Member or two of their Honble Board to join with some Members of this House in drawing up the same this Afternoon

Richard Dallam Cl. Ho. Del.

Sent up to the Council by Mr John Mackall Major Sprigg, Mr Tyler Mr Peregrine Frisby, Capt Colegate and Capt. Scott. Who return and say they delivered the same Moved that some Money may be allowed to the Members of this House towards defraying their Expences. Agreed to and Ordered that the following Message be thereupon sent to the Council Viz.

By the House of Delegates
November 3d 1713

The Members of this House are desirous to have Part of their Allowance for defraying their Expenses in Money and desire to know if the Hon̄ble Council will have any Money allotted them, and how much, also that the publick Treasurers lay before the Committee of Accounts their publick Accounts that the same Committee may close their Journal this Day

Signed p Order R. Dallam Cl. Ho. Del.

Sent up to the Council p James Frisby and Mr Brooke

They return and say they delivered their Message

Bill for Relief of Debtors and ascertaining the Manner of Tenders in Tobacco sent up to the Hon̄ble Council by Mr Broome and Mr Charles Wright.

They return and say they delivered the same.

Col° Addison from the Council enters the House and delivers Mr Speaker the Petition of John Rousby Esq. Indorsed as follows

By the Council in Assembly
Novr 2nd 1713

On Consideration of the above Petition it is the Opinion of this Board that whereas the Naval Officer is obliged to account with the Treasurer and by the late Act imposing 3d p Hogshead to the Country pay him for the said Duty he receives.

Tis the Naval Officers Business to bring the Money to the Treasurer as usual; but as to the Risque of Miscarriage in bringing it up we refer that to the Consideration of the House of Delegates L. H. J. Lib. 41

Signed p Order W Bladen Cl Council.

Read and Resolved it be referred for further Consideration next Session of Assembly.

The Honble Colo Greenberry, Colo Addison and Colo Tilghman enter the House & deliver Mr Speaker the following Message Viz.

By the Honble President and Council in Assembly
Nov. 3d 1713

The present publick Treasurers having been many years since appointed if there was any Omission in their not giving Security it lies not at our Door though it may be yet rectified we find those Officers mentioned in several Laws and particularly in that now in force for the Imposts on Rum, Wine, Negroes, Irish Servants &ta and wherein 'tis expressly provided p. 394 they shall give Security to render and pay those Duties to them to be accounted for by the Naval Officers to the next Meeting of Assembly. As for a Treasurer being a Member of this Board we cannot see how it renders him the less serviceable to the Country or any ways more immediately liable to any Commands in Relation to his Office from this Board nor have we ever taken upon us wihout your Concurrence to direct the Treasurers to pay away any of the Country's Stock in their Hands, and if you are pleased to peruse the Act imposing three Pence p Hhd to the Country you will find the Naval Officers are obliged to receive that Duty and Account therefor, and pay the same to the publick Treasurers. As to the appointing and discharging the Treasurers if you should persist in your Opinion of your absolute Authority therein, we wish you well to consider how far you are able to proceed without the Concurrence of this Board

Signed p Order W Bladen Cl. Council

Read and debated and ordered it be referred till to Morrow Morning for further Consideration.

John Smith appeared with his Council: his Petition read with other Papers relating thereto and being heard withdrew. Debated and Resolved Leave be given to bring in a Bill

Signed p order R. Dallam Cl. Ho. Del.

L. H. J. Lib. 41 Richard Walker's Petition read. Mr Grundy appeared on Behalf of the Petr and Flower Walker's Widow who being all heard and the Papers read withdrew Debated and Resolved upon the Question the Petition be rejected.

R. Dallam Cl. Ho. Del.

Colo Holland, Colo Ennalls and Colo Tilghman from the Council enter the House and deliver Mr Speaker the following Message Viz.

By the President & Council in Assembly
Novembr 3d 1713

Gentlemen,

In Answer to your Request by Colo Mackall and others we are willing to join with you not only in the Address and Remonstrance proposed but in any Thing else in our Power which may be for the Service of the Province but observing that notwithstanding the most urgent Recommendation to you made by the Hon̄ble President at the opening the Session of her Majesty's positive Commands in Behalf of Sir Thomas Lawrence her Secretary of this Province you have not yet acquainted us with any Steps you have taken in Compliance thereto We know not what Assurance we can have to meet her Majesty's Gracious Favours in any Thing tho' never so reasonable which we may request in Concert with you. Therefore we once more wish you prudently and cautiously to consider her Majesty's Commands laid before you and endeavour by your ready Compliance therewith to entitle yourselves and Country to her Majesty's Grace and Favour for notwithstanding that we have as deep a Sense of the Misfortunes of the Country and the insupportable Difficulties the Tobacco Trade labours under and we are heartily willing to join with you in any reasonable Methods to relieve the Province in it's present Exigences yet we must needs tell you should we not pay a just and awful Deference to the Royal Commands of our Sovereign we can have but little Confidence she should extend her Bounty & Favours to us

Signed p Order W Bladen Cl. Council

p. 395 Read and debated and referred for further Consideration to Morrow.

The Rector and Visitors of the Free School according to Order appear and lay before the House their Accounts &ta Ordered they be considered of to Morrow.

The House adjourns till to Morrow Morning Nine O'Clock

Wednesday 4th Novr 1713 L. H. J. Lib. 41

According to Adjournment the House met and present as yesterday only Mr Talbot being very sick.

Read what was done yesterday

The House proceed to debate the Message yesterday by Colo Greenberry Colo Addison and Colo Tilghman relating to Treasurers and put to the Question whether the present Treasurers be discharged or not? Carried in the Affirmative and Resolved the following Message be sent to the Council Viz.

By the House of Delegates
4th Novr 1713

In Answer to your Message yesterday by the Honble Colo Greenberry, Colo Addison and Colo Tilghman relating to the publick Treasurers having been many years appointed and their not giving Security to be none of your Omission. As to the first we say that we have more Honour for your Honble Board than to harbour any Thoughts that you can be of Opinion that if any Officer be once thought necessary and appointed it makes that Office perpetual and when found to be of no Use the Officer cannot be removed. As to the latter we never had the least Notion that they not giving Security is any of your Omission neither do we belive that the bare naming of these Officers in any Act of Assembly is such a Confirmation to make the Officer perpetual and that the Naval Officer for that Reason cannot be ordered otherwise to pay the Money but desire your Honours maturely to consider the ill Consequences of such Constructions for by that if an Officer be once appointed it will be accounted perpetual. We charge not your Honours with giving any Commands to the Treasurer for paying any Money without the Concurrence of this House and as to the Treasurer's being a Member of your Honble Board we believe he is not thereby made the less serviceable to the Country but think it very ill convenient he should be so for that thereby he conceives himself to be above answering before us and that poor People are thereby under some Apprehension of his Grandeur and have not the same Access as if he was not a Member of your Board neither has it ever been so that we know of till the present Treasurer of the Western Shore's Time We never pretended that the absolute Authority of appointing Treasurers was in us without your Honours Concurrence well knowing your Honours to be both a good and useful Part of the Legislative Power of this Province but we believe your Honours and this House without the Consent of a Governor can either appoint or discharge such Officers and think no Time better than now and have

L. H. J. Lib. 41 Resolved upon the Question that the present Treasurers be discharged and upon our recommending others and your Honour's Concurrence that they give such Securitys as shall be approved of by your Honours and this House to answer the Country in Case of the Treasurer's Death or Insolvency and that a particular Clause be inserted in such Bond that the p. 396 Treasurer shall pay the Money according to Directions without exacting any Thing for prompt which has been an Imposition too frequently made Use of to the great Damage of many People and we think below the Dignity of that Officer

Signed p Order R Dallam Cl. Ho. Del.

Sent up to the Council by Col° Blay, Mr Mariartee, Mr Woolford, Mr Lookerman, Mr Jowles and Mr Fendall.

They return and say they delivered the same

The Message yesterday by Col° Holland and others read, debated, and ordered to be answered as follows.

By the House of Delegates
November 4th 1713

The Message yesterday by Col° Holland, Col° Ennalls and Col° Tilghman we have read and considered and as to such Part thereof as relates to Sir Thomas Lawrence in Answer to the Hon̄ble President's Speech at the Opening this Session we assured you that we should pay a due Regard to her Majesty's Order relating to Sir Thomas Lawrence's Claims and should examine the Journals and Proceedings of former Assemblies in Referrence thereto and give your Honours a true State of that Case which we expected would have satisfied you. As to our Intentions we are very sorry your Honours have no more Regard for us than to distrust our Integrity in any Thing we say and saving the Liberties and Privileges of this House which we take by that Message to be infringed we acquaint your Honours why we have not yet laid the same before you as follows.

We have ever since had a Committee out to examine into the same and report their Opinion therein to the House that we may consider thereof and lay the same before your Honours, But the Records, Journals and other Papers by that Officers Neglect Carelessness or Design are so damnified, imbezzled, or mislaid that it gives us abundance of Trouble in the Case and hinders our accomplishing the same so soon as we could wish. We shall always be ready to pay a dutiful, and awful Deference to her Majesty's Commands and shew ourselves dutiful & loyal Subjects and cannot doubt of meet-

ing her Majesty's Grace and ffavour in any reasonable Thing· We desire notwithstanding the false Suggestion of any one when her Majesty is made truly sensible of the Truth of our Condition and when the Committee appointed by you and us to inspect the Records make their Report we believe your Honours will be made sensible of the Deserts of Sir Thomas Lawrence. As to the other Part relating to your joining with us in the address and Remonstrance about the Tobacco Trade we gratefully acknowledge your Readiness therein and desire the Members may meet thereon with all Expedition L. H. J. Lib. 41

Signed p Order R. Dallam Cl. Ho. Del.

Sent up to the Council p Mr Tyler, Col^o^ Mackall, Capt Ennalls, Capt Jones, Mr Solomon Wright, Mr Peregrine ffrisby, Mr Colegate and Mr John Purnell.

They return and say they delivered the same.

The Papers and Accounts laid before the House yesterday relating to the ffree School debated and the House Resolved to make the following Proposals Viz.

Proposals of the House of Delegates to the Governor and Visitors of the ffree School
4th November 1713

That forasmuch as most of the Trustees in the Act named are dead and departed the present Rector Governor and Visitors be such with the Addition of one out of those Counties where there are none already. That the Money now in the Treasurers Hands belonging to the ffree School be called in and let out on good Land Security to such Persons as will take the same at a reasonable Interest not for less than four years and a year's Notice to pay or call in the same That the Treasurers pay so much of the Money as they have received in Bills of Exchange or Money Sterl. in the same Specie and so much as in Money Current and in that Specie and make Oath to their Acco^ts^ That the Treasurers or those that shall receive the Duties for the Time being give good Security to answer the same That the Accounts of the ffree Schools be yearly laid before the House for their Inspection p. 397

The aforesaid Proposals delivered to Major Hammond to carry the same to the Rector and Governor of the ffree School; who returns and says he delivered them

Col^o^ Ennalls and Col^o^ Tilghman from the Council enter the House and deliver Mr Speaker the following Bills Viz.

A Bill to restrain the ill Practice of Sheriffs &^ta^ Indorsed

L. H. J. Lib. 41

By the Council in Assembly
Novr 4th 1713

On Consideration of this Bill this Board is of Opinion that the latter Part obliging the Creditors to take Goods at such Value that none will give shews so great Injustice to Creditors and will necessarily discourage Trade that we cannot agree to the Bill.

Signed p Ord^{r} W Bladen Cl. Council

Read and debated and Resolved it be answered as follows.

By the House of Delegates
4th Nov. 1713

If we cannot have this Bill with others of absolute Necessity pass Session we know not what we were called together for and this Bill being of absolute Necessity we cannot agree to lay it by or refer it for that it tends wholly to quiet the minds of her Majesty's Subjects here who in many Places are ready to mutiny for want thereof there being a Law to the same Effect in florce in Virginia our Neighboring Colony:

Neither can we see wherein it will discourage Trade or be any Injustice to Creditors; wherefore we pray your Honours to agree to the Bill and that we may not now as we have for this four years past spend the Country's Money and Tobacco and do them no Service. If your Honours have any Amendments to propose to the Bill (when we know them, if we can) we shall agree to them or give our Reasons to the Contrary.

Signed p Order R Dallam Cl. Ho. Del.

Sent to the Council by Mr Tyler, Mr Worthington, Mr Blay, Mr Garrett, Mr Mariartee, M^{r} Ja: Frisby, Mr Ward, Major Hammond, Mr Docwra and Capt Jones.

They return and say they delivered the same.

A Bill permitting the Inhabitants of this Province to issue out Writs in their own proper Persons. Indorsed

By the Council in Assembly
Nov. 4th 1713

We are of Opinion if this Bill should pass it would introduce a great deal of Confusion in the Courts of Common Law But as to the Liberty of confessing Judgment in their proper Persons after Bail given 'tis so reasonable we are told it was always so practised in the Provincial Courts and most of the County Courts but if any of the County Courts refuse

to admit thereof this opinion of our Board with the Concurrence of your House thereto will be a means to rectify it and therefore we think the Bill needless L. H. J. Lib. 41

Signed p Order W Bladen Cl. Council

November 4th 1713 p. 398

Read again and referred till next Session

R Dallam Cl. Ho. Del.

A Supplementary Act to the Act for the better Administration of Justice in Probat of Wills Indorsed

By the Council in Assembly
Novr 4th 1713

The original Act for Administration of Justice in Probat of Wills &ta will upon the Arrival of a Governor in Chief want revising and for that there are some Objections against this Bill now proposed we desire the Consideration thereof may be referred till the Arrival of a Capt General

Signed p Order W Bladen Cl. Council

Eodem Die

Read again and referred till next Session

Richd Dallam Cl. Ho. Del.

The Hoñble Samuel Young Esq. from the Council enters the House & delivers Mr Speaker the following Message.

By the Council in Assembly
4th 9ber 1713

In Answer to your Message by Capt. ffrisby and Mr Brooke wherein you desire to know what Part of our Allowances for Expences &ta we would have allowed in Money we desire the same Allowances may be made us in Proportion to what is allowed to the Members of your House. As to the publick Treasurers Colo Smithson is not in Town but Mr Young is ready to lay his Accounts before you

Signed p Ordr W Bladen Cl. Council

Read and agreed to by the House that each Member of her Majesty's Council be allowed four Pounds and such of the Members of this House as desire Money any Sum not exceeding the same.

L. H. J. Lib. 41 The Hon̄ble Col° Greenberry and Col° Whittington enter the House and deliver Mr Speaker the following Message.

By the Council in Assembly
9^ber 4th 1713

We cannot be of your Sentiments either that it should be very illconvenient a member of this Board should be a publick Treasurer, or that the present Treasurer of the Western Shore has bore himself so high upon his being a Councillor to deter any Person from Access to him or any wise thought himself above being accountable to your House but that the Inconveniencies hinted from his being so are barely imaginary. When the publick Stock is overdrawn in the Treasurers Hands scarce any will advance their own Money without some reasonable Consideration therefor We have no Objection to Mr Young's Integrity or Diligence yet if you are fully resolved to recommend new Treasurers upon your offering fit and proper Persons for that Trust we shall be ready to concur with you

Signed p Order W Bladen Cl. Council.

Which being Read and considered Resolved it be answered as follows

By the House of Delegates
4th November 1713.

Our Sentiments relating to the present Treasurers are not imaginary or groundless nor is it only when the publick Stock is overdrawn that Advance Money is required for prompt Paym^t But to shew your Honours we have no particular Grudge or ill Will against those Gentlemen notwithstanding the Complaints made to us we do again nominate and recommend the Hon̄ble Samuel Young Esqr and Col° Thomas Smithson to be Treasurers until this House with Concurrence of the Hon̄ble Council shall discharge them therefrom provided they give good Security to Account &^ta as oft as called before this House and not to expect any Money for prompt
p. 399 Payment on any Pretence whatsoever and pray your Honour's Concurrence and that you will please to give Order to the Attorney General to have the Bonds well drawn accordingly

Signed p Order Richd Dallam Cl. Ho. Del

The Hon̄ble Col° Addison and Mr Secretary Lloyd enter the House and deliver Mr Speaker the following Message.

By the Council in Assembly
Novr 4th 1713

When you let us know what Members of your House you

appoint to draw up the Address to her Majesty and Remonstrance to the Lords Commissioners of Trade and Plantations about the Tobacco Trade and where they will meet the Members of this Board you desire may be joined with them we shall direct some of our Board to meet and join them in that Service. L. H. J. Lib. 41

Signed p Order W Bladen Cl Council

Which being read was ordered to be answered as follows Viz.

By the House of Delegates
4th 9br 1713

We have appointed Colo Ward, Mr Tyler, Colo Mackall, Mr Garrett, Mr Colegate and Mr Lloyd to join with the Members of your Hoñble Board to draw up the Address to her Majesty and the Remonstrance to the Lords Commissioners of Trade & Plantations about the Tobacco Trade who will be ready to meet thereon this Evening at Mr Dodd's.

Signed p Order R Dallam Cl. Ho. Del.

Sent up by the Gentl. named in the Message; who return & say they delivered the same

The Hoñble Colo Ennalls, Colo Greenberry and John Hall Esq. from the Council enter the House and deliver Mr Speaker the following Message.

By the Council in Assembly
Novr 4th 1713

When you let us know what Members of your House you appoint to draw up the Address to her Majesty and Remonstrance to the Lords Commissioners of Trade and Plantations about the Tobacco Trade and where they will meet the Members of this Board you desire may be joined with them we shall direct some of our Board to meet and join them in that Service.

Signed p Order W Bladen Cl Council

Which being read was ordered to be answered as follows Viz.

By the House of Delegates
4th 9ber 1713

We have appointed Colo Ward, Mr Tyler, Colo Mackall, Mr Garrett, Mr Colegate and Mr Lloyd to join with the Members of your Hoñble Board to draw up the Address to her Majesty and the Remonstrance to the Lords Commissioners

L. H. J. Lib. 41 of Trade & Plantations about the Tobacco Trade who will be ready to meet thereon this Evening at Mr Dodd's.

Signed p Order R Dallam Cl. Ho. Del.

Sent up by the Gentl. named in the Message, who return & say they delivered the same

The Hon̄ble Col° Ennalls, Col° Greenberry and John Hall Esq. from the Council enter the House and deliver Mr Speaker the following Message.

By the President and Council in Assembly
Novr 4th 1713.

We cannot but recommend to your Consideration the Services of the Hon̄ble Col° William Holland, Col° Thos Smith and the late Kenelm Chesyldine Esq. & other Gentl. that were appointed by the late Governor to ride the Circuits and act as Judges of the Assizes. The said Gentlemen we are satisfied were at great Expences and Trouble on that Occasion and could not deny the Commands of the Government then imposed upon them and which were in Pursuance of her Majesty's Directions to the Governor We desire you will consider the Hardships they lie under not having dared to deny the Execution of those Commissions and since the Charge of the Provincial Courts was considerably lessened thereby not suffer private Gentlemen and their Estates to be damnified in the publick Servive but make them reasonable Compensation for their Trouble and Expences

Signed p Order W Bladen Cl. Council

Which being read and debated Resolved there be no Allowance made them and a Message be prepared and laid before the House in Answer thereto to Morrow

The Petition of Thomas Emms with the Report of the Committee of Laws Read and Leave given to bring in a Bill

Col° Addison and Mr Secretary Lloyd enter the House and inform Mr Speaker they are by the Hon̄ble Council appointed to join the Members of this House to draw up the Address and Remonstrance about the Tobacco Trade.

Ordered the Members of this House attend them accordingly.

The House adjourned till to Morrow twelve o'Clock at Noon.

p. 400 Thursday 5th November 1713

This being the Day of Thanksgiving for the Delivery from Popish Plot and the Arrival of the late King William in Eng-

land Mr Speaker attended by the whole House repaired to Church and after divine Service and Sermon ended the House met according to Adjournment L. H. J. Lib. 41

Called over and present as yesterday. Read what was done Yesterday

The Message ordered to be prepared yesterday in Answer to the Council's Message relating to Itinerant Justices, Read and approved and ordered to be entered as follows.

By the House of Delegates
5th November 1713

We have considered and debated your Message yesterday, by the Honble Colo Ennalls, Colo Greenberry and John Hall Esq. relating to paying the late Itinerant Judges the Substance whereof we find several Times recommended to former Assemblies and as oft denied any Allowance that Constitution being made without the Consent of this House who always saw the ill conveniency thereof and tho' you are pleased to say the Charge of the Provincial Court was considerably lessened thereby yet we are certain the Charges brought in and demanded from the Public were much augmented. What Trouble and Expences those Gentlemen were at on Occasion of riding the Circuits or what Damages they may suffer in their Estates thereby this House were never the Occasion of; and as they never, on Behalf of the Public requested or acquiesced in any Thing relating to those Commissions for the Assizes but always shewed their Aversion thereto, so they think it very unreasonable the Country should be burthened with the Charge but that those that set them to work ought to pay them for their Charges, Trouble & Expences.

Signed p Order R. Dallam Cl. Ho. Del.

Sent up to the Council with the Message prepared yesterday about the Treasurers by Colo Hoskins, Major Sprigg, Mr Scott, and Mr Charles Wright

They return and say they delivered the Messages

Ingrossed Bill for killing Wolves, Crows and Squirrels.

Ingrossed Bill for Relief of Josias Crouch.

Ingrossed Bill for Relief of Henry Acton,

Ingrossed Bill for Relief of John Coale,

All read and indorsed

5th Novr 1713

Read and assented to by the House of Delegates &

Signed p Order R. Dallam Cl. Ho. Del.

L. H. J. Lib. 41 Sent up to the Hon̄ble Council by Col° Smallwood, Mr Watts, Mr Vanderheyden and Mr Thomas Purnell.

They return and say they delivered the same

Bill for Relief of John Smith of Cecil County Read and indorsed

By the House of Delegates
5th Novr 1713

Read the first and second Times by special Order and will pass

Richd Dallam Cl. Ho. Del.

Bill for supplying a Defect in Jeremiah Sulivant's Will Read and indorsed

By the House of Delegates
5th Nov. 1713

Read the first and second Times by special Order and will pass

Richard Dallam Cl. Ho. Del.

Sent to the Council by Mr James ffrisby and Mr Thomas Brooke.

They return and say they delivered the same.

Richard Manning's Petition Read and ordered that he appear next Session and Summons issue &^ta^ as prayed. Vide Petition

p. 401 The Hon̄ble Col° Ennalls & Col° Tilghman enters the House and deliver Mr Speaker Bill for Relief of Debtors and ascertaining the Manner of Tenders in Tobacco Indorsed

By the Co. in Assembly
5th Novr 1713

The Hon̄ble her Majesty's Council concur to pass this Bill with the Amendments and do desire that a separate Bill may be drawn and past this Session for punishing such as shall be guilty of false packing Tobacco as proposed by the House

Signed p Order W Bladen Cl. Council

Read again, and the Amendments proposed agreed to and ordered to be indorsed

5th Novr 1713

Read again in the House and past for ingrossing and or-

dered the Committee of Laws prepare and bring in a Bill against false packing Tob° &ta L. H. J. Lib. 41

R Dallam Cl. Ho. Del.

Resolved That every Person that prefers a Petition for a private Bill to pass for their Relief pay to the Clerk of this House the ancient ffee of 200 ℔ Tob° and for all Copies of such Petitions or other private Matters from the Journals of this House the same ffees the Secretary charges in the Provincial Court for Copies from the Records there with the Arreas thereof accordingly.

The House adjourns till to Morrow Morning Nine O'Clock.

Friday 6th Nov. 1713

The House according to Adjournment met and being called over present as yesterday. Read what was done Yesterday

Bill for Directions of the Sheriffs Office &ta Read the first and second Times by special Order and will pass

Bill for more speedy conveying publick Letters &ta Read the third Time & will pass

Sent up to the Council by Mr Broome and Mr Woolford.

They return and say they delivered the same.

Bill for reviving the Act prohibiting the Importation of Bread Beer, Flour, Horses, Mares &ta from Pensylvania &ta Read the first Time and ordered a second Reading.

Eodem Die

Read the second Time by special Order and ordered a third Reading.

Eodem Die

Read the 3d Time by special Ordr Put to the Question whether the Bill pass or not? It past in the Negative and Resolved the Bill be rejected

Richd Dallam Cl. Ho. Del.

The Hoñble Col° Ennalls from the Council enters the House and delivers Mr Speaker the four ingrossed Bills sent up yesterday to the Council severally indorsed

5th Novr 1713

Read and assented to by her Majesty's Hoñble Council and Signed p Ordr

W Bladen Cl. Council

L. H. J. Lib. 41 Petition of Samuel Berry of Kent County praying to be naturalized Read and indorsed

By the House of Delegates
6th Nov. 1713

The above Petition being here read it's thought reasonable the Petr be naturalized and that he be added to those already named in the Bill already agreed to To which the Concurrence of the Hoñble President and Council is prayed.

R. Dallam Cl. Ho. Del.

Sent up to the Hoñble Council by Mr Codd and Mr Scott. They return and say they delivered the same.

p. 402 Afterwards Colo Tilghman from the Council entered the House and delivered Mr Speaker the same Petition thus indorsed

By the Council in Assembly
Novr 6th 1713.

The Council assent thereto provided the said Samuel Berry takes the Oaths to Government &ta

W Bladen Cl. Council

Ordered the following Petition be entered Viz.

To the Hoñble House of Delegates.

The humble Petition of Henry Hall, Edward Butler, Jonathan White, and Daniel Mainadier Clerks

That whereas the publick Library is observed to go to Decay your Petitioners therefore humbly beg your Honours to take it into Consideration and use such Methods for the Preservation of it as to your Honours shall seem most necessary in Order to which we conceive it convenient to appoint a Library keeper who may be obliged to take Care of it and that he may be encouraged so to do to make him some Allowance for the same And further to take Notice of the Methods used by the Roman Priests to pervert her Majesty's Subjects from the ffaith of the Church of England to that of Rome especially in the City where is the Seat of Government and your Petrs shall ever pray &ta

Henry Hall, Jonathan White, Daniel Mainadier

Novr 6th 1713

Which being read was ordered to be thus indorsed

By the House of Delegates
6th Nov. 1713. L. H. J. Lib. 41

The above Petition read and it is the Opinion of this House that the Rector Govr and Visitors of the Freeschool ought to take Care to preserve the Library and to appoint a Library keeper and pay him out of their Stock being as this House conceives very useful to the Master and Scholars as well as the Clergy

As to the other Part relating to Roman Catholicks this House pray the Hon̄ble President and Council if such an Evil appears to endeavour to suppress it.

Signed p Order R Dallam Cl. Ho. Del.

Sent up to the Hon̄ble Council by Major Sprigg and Mr Peregrine

They return & say they delivered the same.

The Hon̄ble John Hall Esqr from the Council enters the House and delivers Mr Speaker Bill for Relief of John Smith of Cecil County.

Bill supplying a Defect in Jeremiah Sulivant's will both read and agreed to by the Council

Read again in the House and past for ingrossing

The Hon̄ble Colo Tilghman from the Council enters the House and delivers Mr Speaker Bill for speedy conveying publick Letters and Packets and Bill for Direction of the Sheriff's Office. Both agreed to by the Council

Read again in the House and past for ingrossing

The Hon̄ble Colo Greenberry Colo Tilghman, and John Hall Esq. from the Council enter the House and deliver Mr Speaker Bill to restrain the ill Practice used by Sheriffs in executing Writs of fieri facias and Venditioni exponas. Indorsed.

By the Council in Assembly
November 6th 1713

Resolved That this Bill pass with the following Amendments Viz.

That if upon a fieri facias issued the Defendant will, upon Oath shew all his Personal Estate so that the Sheriff may levy what Part thereof the Creditor or his Attorney shall think fit to direct the Creditor having Liberty to name two Appraisers and the Debtor two more upon their Oaths to be administred by the Sheriff to appraise the same. The Creditor shall be obliged for Want of Buyers to take the Goods at their Appraisment; this Law not to be deemed to extend to Negroes p. 403

L. H. J. Lib. 41 &ta Reserved in ffavour of Orphans by Virtue of the Law for the better Admn of Justice in Probat of Wills &ta

Signed p Order W Bladen Cl. Council

Which being read and debated, Resolved the Amendments proposed by the Council be agreed to. The Bill with the Amendments again read in the House and will pass as amended.

Sent up to the Honble Council for their Concurrence by Colo Blay, Colo Smallwood, Mr Ennalls, Mr Watts, Mr John Whittington, and Colo Thomas Hammond.

They return and say they delivered the Bill

Bill ascertaining what shall be allowed to Grand and Petit Jurors & Evidences &ta Read the first and second Times by special Order and will pass

Sent up to the Council by Mr James Lloyd & Major Sprigg.

They return & say they delivered the same.

Captain Jones from the Rector, Governor and Visitors of the ffree-School enters the House and delivers Mr Speaker their Answer to the Proposals from this House Viz.

1 As to the first Proposal the Number of the Governor and Visitors is already compleat and those out of all the Counties but Cecil Charles and Somerset

2 As to the second Proposal about letting the Money out at Interest we don't believe any substantial Person capable of answering the Money when called upon will be willing to accept it at Interest; wherefore we believe the public Treasurers provided they give good Security therefor the properest Persons in whose Hands to lodge the same

3 As to the third Proposal of the Treasurers paying the Money by them received in the Specie they took it the Duty being generally paid in ready Money we cannot expect them to be paid by the Treasurers otherwise than in Currency

4 To the fourth Proposal of the Treasurers giving Security for the Revenues of the ffree-School we think it highly reasonable

5 As to the fifth Proposal of laying the Accounts of the ffree-School Yearly before the House of Delegates the Rector Governor and Visitors of the ffree School will always be ready to shew the General Assembly the Accounts of their Proceedings

Signed p Ordr W Bladen Regr Lib. Schol.

By the Rector Governor and Visitors of the ffree Schools L. H. J. Lib. 41
Nov. 5th 1713

Col° Smithson having signified that he is very aged and p. 404
crazy has often requested that the Money in his Hands due to the ffree Schools might be removed we desire your Advice whether it may not be proper to lodge it in the Treasurer of the Western Shore on his giving Security to answer the same or if you can advise us of any other proper Person to whose Care it may be committed on the Eastern Shore in Case Col° Smithson should refuse to give Security for that Money

Signed p Order W Bladen Reg^r Lib. Schol.

Which being read was ordered to be thus indorsed.

By the House of Delegates
6th Novr 1713

This House conceive it necessary to call the Money due to the ffree School out of Col° Smithson's Hands, unless he will give good Security for the same and recommend it to the Rector Governor & Visitors of the ffree School to lodge the same in such Persons Hands as they think proper either on the Eastern or Western Shore taking good Security to answer it but know not what Person to advise them to

Signed p Order Richd Dallam Cl. Ho. Del.

The House adjourns till to Morrow Morning Nine O'Clock

Saturday the 7th Novr 1713

The House met again according to Adjournment Being called over were present as Yesterday except Mr Trippe who is sick.

Read what was done Yesterday.

Bill against false packing Tobacco read the first Time and ordered a second Reading. Read again the second Time by special Order and ordered a third Reading. Read again the third Time by special Order. Put to the Question what the Fine shall be? Carried by Majority of Votes 500 ^lb Tob° and Resolved the Bill pass

R. Dallam Cl. Ho. Del.

Bill for Relief of Anthony Ivy &^ta Read the first and second Times by special Order and will pass.

L. H. J. Lib. 41 These two Bills sent up to the Council by Col° Ward, Mr Tyler, Mr Sprigg and Mr Woolford

They return and say they delivered the Bills

The Hon̄ble John Hall Esq. and Col° Addison from the Council enter the House and deliver Mr Speaker Bill restraining the ill Practice of Sheriffs in executing writs of fieri facias & indorsed Read and assented to by the Council and will pass as amended

W Bladen Cl. Council

Read again in the House and past for ingrossing.

R Dallam Cl. Ho. Del.

Mr Secretary Lloyd enters the House and delivers Mr Speaker Bill for ascertaining the Allowances to Jurors and Evidences &^ta^ Indorsed Read and agreed to by the Council and will pass

W Bladen Cl. Council

Read again in the House and past for ingrossing

R. Dallam Cl. Ho. Del.

p. 405 Committee of Accounts enter the House and deliver M Speaker their Journal Read and indorsed

7th Nov. 1713

Read and assented to by the House of Delegates and

Signed p Order R Dallam Cl. Ho. Del.

Sent up to the Council for their Assent by Mr Leach, Mr Scott, Mr Brooke and Mr Wells.

They return and say they delivered the same

Committee of Laws enter the House and deliver Mr Speaker the Address to her Majesty relating to Sr Thomas Lawrence's Complaint about Ordinary Keepers Licenses Which being read and approved by the House ordered it be entered on the Journal and Resolved the following Message be thereupon sent to the Council Viz.

By the House of Delegates

7th Novr 1713

May it please your Honours. We have with great Difficulty and Trouble at last compleated an Address we design to lay before her Māty relating to Sr Thomas Lawrence and

beg your Honours to peruse the same which we hope will give you full Satisfaction of the unjust & unreasonable Complaint of Sir Thomas against us and that it is not out of any Disrespect to her Majesty's Royal Commands that we do not by an Act of Assembly settle the ffines of Ordinary Keepers Licenses on St Thomas Lawrence but purely to assert our own Right in Disposal of such ffines or Taxes we shall think fit from Time to Time to raise or impose upon the Inhabitants of this Province and desire your Honours will not further press us in this Matter but believe that we are in all Sincerity her Mā̄ty's most dutiful and loyal Subjects. L. H. J. Lib. 41

Signed p Order R. Dallam Cl. Ho. Del.

Sent up to the Hon̄ble Council by Col^{o} Ward, Mr Worthington, Col^{o} Mackall, Mr Codd, Col^{o} Blay, Mr Storey, Mr Colegate, Mr Jowles, M^{r} ffendall, Mr Scott, Mr Peregrine Frisby, Mr Woolford, Mr Docwra and Major Hammond.

They return and say they delivered the same

Col^{o} Ennalls and Col^{o} Tilghman from the Council enter the House & deliver Mr Speaker Bill for Relief of Anthony Ivy Indorsed

Eodem Die

Read in Council and will pass

W Bladen Cl. Council

Read again and past for ingrossing

Bill against false packing Tobacco Indorsed

By the Council in Assembly
Novr 7th 1713

Read in Council and will pass with the following Amendments Viz.

That whereas several People may complain it will be an Hardship upon them to throw away all their small dull, scrubby Tobacco and Ground Leaves upon packing the same in Casks or otherwise not facing it with good Tobacco with Design of Deceit and declaring to the Persons purchasing or receiving such Tobacco the nature and Quality of that Tobacco they shall not be liable to the Penalty in this Bill which we desire may not be less than 1000 lb Tob^{o}

W Bladen Cl. Council

Which being read and debated was ordered to be thus indorsed p. 406

L. H. J. Lib. 41

By the House of Delegates
7th Nov. 1713

Read again, the Amendments proposed, agreed to and will pass as now amended.

R. Dallam Cl. Ho. Del.

The House adjourns till Nine O'Clock on Monday Morning.

Monday Morning 9th Novr 1713

The House met again according to Adjournment. Called over and the following Members were absent. Mr Trippe and Mr Talbot sick and Capt Jones. Read what was done on Saturday.

Bill against false packing Tobacco sent up to the Council by Colo Ward and Colo Mackall.

They return and say they delivered the same

Colo Tilghman from the Council enters the House and delivers Mr Speaker the Bill about false packing Tobacco &ta Indorsed

By the Council in Assembly
Novr 9th 1713

Read and will pass

W Bladen Cl. Council

Read and past for ingrossing and also the following Message Viz.

By the Council in Assembly
Novr 9th 1713

We thought fit to order the Clerk of the Council a Clerk Assistant to help in the Dispatch of several Matters before us this Session We find you have mentioned the Person so employed in the Journals of the Committee of Accounts and wonder you should refuse to make him suitable Allowance for his Service being what was never before refused by any Session of Assembly

Signed p Order W Bladen Cl. Council

Which being read and debated Ordered the following Answer be sent Viz.

By the House of Delegates
9th Novr 1713

We know of no Session of Assembly ever allowed a Clerk

Assistant to the Clerk of the Council and Business has not met with much Dispatch this Session we hope that Omission does not detain the Journal of Committee of Accounts but desire that it may be returned that we may go upon laying the Levy. The Demand for such an Allowance we take to be a new Imposition upon the Country and if there be any small Mistakes in the Journal they may be rectified by that Committee that apportions the Levy L. H. J. Lib. 41

Signed p Order R Dallam Cl. Ho. Del.

Sent up to the Council by Mr Worthington and Major Hammond

They return and say they delivered the same

Ingrossed Bill for Naturalization of Stephen Rich, John Lamee and Saml Berry

Ingrossed Bill to restrain the ill Practice of Sheriffs in executing Writs fieri facias &^ta^

Ingrossed Bill for Relief of John Smith

Ingrossed Bill to supply a Mistake in Jeremiah Sulivant's Will

Ingrossed Bill for Relief of Debtors and ascertaining the manner of Tenders in Tob^o^

Ingrossed Bill for more speedy Conveying Letters &^ta^

Ingrossed Bill for Direction of Sheriff's Office p. 407

All read and severally indorsed

9th Nov. 1713

Read and assented to by the House of Delegates &

Signed p Ord^r^ R Dallam Cl. Ho. Del.

Sent up to the Council by Mr Tyler, Mr Garrett, Mr Worthington & Mr Woolford

They return and say they delivered the Bills

Mr Tyler from the Committee of Aggrievances enters the House and delivers Mr Speaker the following Report Viz.

By the Committee of Aggrievances
Nov. 9th 1713

It's humbly offered to this Committee as an Aggrievance that the Bounds of several Parishes in several Counties within this Province are so uncertain that it hath caused several Disputes between the Parishioners and Incumbents of the said Parishes they being not bounded by natural Bounds or other-

L. H. J. Lib. 41 wise which might be prevented if the Justices of each County or the major Part of them had Power given them to determine such Disputes as aforesaid by ascertaining the Bounds of such Parishes for the future and cause their Proceedings therein to be entered on their County Records. All which is referred to the Consideration of the House. And it's further offered to this Committee as an Aggrievance that whereas there has been several Disputes arose between the Vestry and the Incumbent that is inducted into any Parish some considerable Time after the laying the County Levy or such Incumbent that shall remove himself before his year is compleated what Part of the forty p Poll belongs to him that is inducted as aforesaid or him that removes as aforesaid for that year there being no Law to ascertain the same. All which is referred to the Consideration of the House.

Signed p Order John Beale Cl. Committee
R Dallam Cl Ho. Del.

Read and Resolved a Bill be brought in to remedy it

Thereupon a Bill being brought in It was ordered to be read Viz.

A Bill impowering the Justices of the several County Courts within this Province to regulate the Bounds of Parishes &ta Which being twice read Ordered it be indorsed.

By the House of Delegates
9th Novr 1713

Read the first and second Times by Special Order and will pass.

Colo Greenfield, Colo Greenberry, Colo Whittington and Colo Addison from the Council enter the House and deliver Mr Speaker the following Message Viz.

By the Honble President & Council in Assembly
9br 9th 1713

We have your Message by Colo Ward and thirteen more of your House on Saturday last now before us and are surprized to find after we had communicated to you her Majesty's Royal Commands to the President wherein she declares she expects you should Enact a Law for appropriating the ffines on Ordinary Licenses to the Secretary's Office you should instead of readily obeying her Majesty's Directions therein expressed desire us to peruse your Address to her wherein you offer your Reasons against it how far you think they may
p. 408 weigh with her most Sacred Majesty or the Right Honble the

Lords of Trade and Plantations after the Case so often adjudged we cannot say but must be plain in telling you we cannot approve thereof and wonder in a Matter the Country is like to receive so little Benefit by you should trifle away so much Time, letting your Prejudice to Sr Thos Lawrence over balance the true Interest of your Country. We desire you will once more duly consider the Nature of her Majesty's Commands so very urgent and often reiterated lest your Neglect thereof should lay the Country under her Displeasure when by a chearful Compliance with what she has dictated you might expect in proper Time to be heard and relieved in a Matter you think so hardly imposed upon you. And now that we may not be wanting to enforce her Majesty's Commands and endeavour to demonstrate the true Interest of the Province, we desire you will appoint such and so many of the Members of your House as you shall think fit to confer with four of the Members of this Board upon the subject Matter now in Hand. L. H. J. Lib. 41

Signed p Order W Bladen Cl. Council

Read, debated & ordered the following Message be sent.

By the House of Delegates
9th Novr 1713.

Your Message by the Hon̄ble Col^o^ Greenfield and three other Members of your Board we have read and considered and are sorry your Honours should think we have any Prejudice against Sr Thomas Lawrence or any other Person and that we are not allowed to shew our Reasons against the false Allegations laid against us even to your Board. We cannot think her Majesty or the Lords of Trade and Plantations will deny us Justice. We never desired you to approve our Address, Only sent it you that you might see our Reason for not passing an Act. ffor your Wonder we should trifle away so much Time in a Thing the Country will receive so little Benefit by we do admire and believe some Persons are less concerned for the Country's Interest than their own particular. What Effect our Address may have or the Consequence thereof we know not but are sure the granting Sr Thomas's Request will much impoverish the Country Neither can we think it will lay us any Ways under her Majesty's Displeasure. You have sufficiently enforced her Majesty's Commands to us and we have as effectually complied therewith as is possible in Equity and Justice to ourselves and Country. There have been many Conferrences formerly on this Subject who always agreed 'twas none of Sir Thomas Lawrence's Right and

L. H. J. Lib. 41 p. 409

therefore we cannot now agree to another on this Subject to trifle away more Time and perhaps spend the Country thirty or forty thousand Pounds of Tobacco to as little Purpose as in other Things, we being resolved not to recede from our former Resolve to send this Address to her Majesty and admire you should insist thereon since you at first refused to confer or join with us therein. We beg your Honours not to keep us here to no Purpose unless you Resolve to see a fat Church yard and put an intolerable Burthen on the Country which they are ill able to bear

R Dallam Cl. Ho. Del.

Sent up to the Council p Mr Garrett, Mr Ward, Mr Tyler, Mr Ennalls, Mr John Mackall, Mr Sprigg, Mr Mariartee and Mr Lloyd with the Bill about Parishes &^ta^

Who return and say they delivered the same.

Ordered the Address be ingrossed

The Honble Col^o^ Ennalls and Col^o^ Addison enter the House and deliver Mr Speaker the Journal of the Committee of Accounts with some Amendments & the following Message.

By the Council in Assembly
Nov. 9th 1713

We are surprised to find you assert that the Business of this Session has not met with suitable Dispatch from us or that you should surmise the Journal of the Committee of Accounts is detained with us on any trivial Account. We never saw that Journal till Saturday Noon the 7th Instant nor did we till late on Saturday receive your Message in Relation to her Majesty's Commands about the Fines for Ordinary Licenses the Consideration whereof having been before you since the Beginning of this Session it seems unreasonable you should circumscribe us in the Time for Consideration thereof and for Examination of the Journal of the Committee of Accounts it being every whit as much incumbent on us as your House to see the Allowances therein are just and rightly computed therefore cannot but resent such usage. As we think ourselves proper Judges of the Business before this Board, we did, at the Beginning of this Session direct the Clerk of our Board (who has long been a Servant to the Country and now indisposed in his Health) to employ a Clerk Assistant [as] we find has been notwithstanding your Assertion much practised in former Assemblies Accordingly we swore Mr Benjamin Tasker who has been diligent in that Service and therefore desire you will order him Satisfaction. The Clerk of this Board makes no Pretence to any Reward therefor

and when by Inspection of the Journal of the Committee of Accounts Anno 1704 you find the Mistake of your Assertion the Clerk of this Board being then allowed for a Clerk Assistant We hope we shall have no further Occasion to press you in this Matter L. H. J. Lib. 41

Signed p Ord^{r} W Bladen Cl Council

Which being read and debated Ordered the following Message Viz.

By the House of Delegates
Novr 9th 1713

We have caused the Errors in the Journal of the Committee of Accounts to be rectified according to your Remarks We pray your Assent thereto that a Committee may go out to apportion the Levy. We cannot agree to the allowing any Thing to the Clerk Assistant to the Clerk of the Council not taking that very long Assembly 1704 to be any Preced^{t} Therefore we have appointed Mr Leech, Mr Scott, Mr Lloyd, Mr Stevenson and Mr Jowles to join the Members of your Board to apportion the Levy and desire they may meet thereon to Morrow Morning p. 410

Signed p Order R Dallam Cl. Ho. Del.

And sent up to the Council by the above Gentlemen.
Three following ingrossed Bills.
Bill against false packing Tobacco.
Bill for Relief of Anthony Joy.
Bill ascertaining what shall be allowed to Grand and Petit Jurors.
All read and severally indorsed

9th Novr 1713

Read and assented to by the House of Delegates and
Signed p Order R. Dallam Cl. Ho. Del.

And sent up to the Council by Mr Jowles and Mr Pearce
They return and say they delivered the Bills.
The House adjourns till to Morrow Morning Nine O'Clock.

Tuesday Novr 9th 1713.

The House met according to Adjournment and being called over were present as yesterday only Mr Ward being sick.
Read what was done yesterday

L. H. J. Lib. 41 Col° Whittington from the Council enters the House and delivers Mr Speaker the Journal of the Committee of Accounts assented to by the Council and a Message that the Hon̄ble Council had appointed Col° Greenberry and Col° Whittington to join the Members of this House to apportion the publick Levy. Thereupon ordered the Members of this House join them.

The Hon̄ble Col° Addison and Col° Tilghman deliver Mr Speaker the following Message Viz.

By the Hon̄ble President and Council in Assembly
Nov. 9th 1713

On Saturday last the Hon̄ble President received a Letter from the Right Honble the Lords of Trade and Plantations of the 14th of July wherein is the following Clause Viz. The Acts which we have rec̄d shall be considered at the first Opportunity and our Opinion thereupon transmitted to you. In the mean Time we must observe upon the Act for regulating Writs of Errors and granting Appeals from and to the Courts of Common Law within this Province that by her Majesty's Instructions you are required to endeavour to get a Law passed where the Method and Limitations of Appeals from the inferior Courts to the Governor and Council may be settled and restrained but you are not to Enact any Thing that her Majesty has already settled by her Instructions: And therefore all that Clause in the aforesaid Act which relates to Appeals from the Governor and Councill to her Majesty ought to be left out the same being sufficiently provided for as aforesaid. We advise you therefore to endeavour to get a New Law passed without the said Clause else we shall be obliged to lay the same before her Majesty for her Disallowance. We therefore recommend to you to reenact that Law this Session agreable to their Lordships kind Intimation omitting the Clause directing Appeals to her Majesty

Signed p Order W Bladen Cl. Co.

p. 411 Which being read and considered Resolved the Bill be reenacted according to their Honours Directions.

The Hon̄ble Col° Addison from the Council enters the House and delivers Mr Speaker the seven first ingrossed Bills sent up yesterday severally indorsed

Novr 9th 1713

Read and assented to by the Council

W Bladen Cl. Council

The Hon̄ble Philemon Lloyd Esqr from the Council enters the House and delivers Mr Speaker the three last ingrossed Bills sent up yesterday severally indorsed L.H. J. Lib. 41

Nov. 9th 1713

Read and assented to by the Council &
Signed p Ord^{r} W Bladen Cl. Co.

Mr Carroll and Mr Bladen's Remonstrance relating to the Arms House Read and put to the Question whether any further Allowance or not? Carried by Majority of Votes twenty Pounds more and Resolved the Country pay no more Rent and the President and Council are desired that the Arms &^{ta} may be removed to the Stadt House and that the following Message be sent

By the House of Delegates
9^{br} 10th 1713

We have debated and considered this Remonstrance and find the Country much imposed on on this Account and that the Great House is not employed for the Arms &^{ta} but by private Persons we formerly allowed fifteen Pounds and are now willing to allow twenty Pounds more and desire the Arms &^{ta} may be removed and lodged in the Stadt House And we have resolved That the Public pay no longer Rent for them Houses to which they desire the Concurrence of the Hon̄ble President and Council

Signed p Order R. Dallam Cl. Ho. Del.

Sent up to the Council with the Remonstrance p Mr Worthington and Major Hammond.

Ordered That the Remonstrance to the Lords of Trade & Plantations be ingrossed.

Col^{o} Tilghman from the Council enters the House and delivers Mr Speaker Bill impowering the Justices of the County Courts to regulate the Bounds of Parishes Indorsed as follows Viz.

By the Council in Assembly
9^{br} 9th 1713

Read the first & second Times & will pass
W Bladen Cl. Council

By the House of Delegates
Novr 9th 1713

Read again and past for Ingrossing
Signed p Order R Dallam Cl Ho Del.

L. H. J. Lib. 41 Col° Holland, Col° Greenfield, Col° Tilghman and Esq. Hall from the Council deliver Mr Speaker the following Message Viz.

By the President & Council in Assembly
9^br^ 10th 1713

Gentl. Notwithstanding the many Reflections you have in this Session so liberally bestowed upon this Board and the ill Usage you have so liberally treated us with which is too obvious in several of your Messages and particularly in that you sent us yesterday by Mr Garrett and seven others and which all the World will allow are no ways Parliamentary but savour of great Indiscretion we make no doubt we should in the Support of our own Character and out of a generous Regard to the Reputation of your House as well as the true Interest of
p. 412 the Province (had you agreed to give us a Conferrence on the subject Matter of inforcing her Majesty's Commands relating to the ffines of Ordinary Licenses) have easily convinced you that the Address you propose to her Majesty and sent to us for Perusal has very little or no weight in it and that you have therein through a Mistake averred that which is utterly untrue and particularly in that Part thereof wherein we apprehend you fix the Basis of your Refusal to comply with her Majesty's Royal Commands. We could do no less than represent this to you and let the Consequences of this Affair be never so destructive to the Interest of this poor Province it will lye at your Door if you refuse the Warning given you and we shall clearly be acquitted therefrom. We know not of any Thing we have to offer but what we think very material and shall be as careful as any of your House how we encrease the Country's Charge by any Delays which you cannot charge us with unless you believe the enforcing her Majesty's Commands (wherein it does not become your House to direct us) is trifling. When the Journals of this Session are perused by the Right Hon̄ble the Lords of Trade and Plantations if any Delays have happened yours may satisfy such impartial Judges where they have been

Signed p Order W Bladen Cl. Council

Ordered it be read to Morrow Morning for Consideration

Samuel Young Esqr from the Council enters the House & delivers Mr Speaker the following Message Viz.

By the President & Council in Assembly
Novr 10th 1713

This Board observing that the Act prohibiting the Importation of Bread, Beer, Flour, Malt, Wheat, or other English or

Indian Grain & Meals, Horses, Mares, Colts or Filleys from Pensylvania will expire at the End of this Session do recommend to the Delegates that the said Law be revived having been experienced to be a beneficial One and may still be so, especially now the Trade for Grain in this Province is beginning to flourish by sundry Vessels built in the Country capable of exporting great Quantities as well as divers Vessels on Purchase from the Northern Plantations and that it may be of Prejudice to the ffarmers here to have the Pensylvanians import their Grain and pick up the ready Money and Bills of Exchange by which and other like Practices they have heretofore suck'd the very Marrow of the Province. However we think it necessary to insert a Clause in the reviving Bill to give Liberty to any the Commanders of her Majesty's Ships of War in this Province to purchase Bread, Flour or other Provisions for the Use of her Majesty's Ships only and import it or cause it to be imported from Pensylvania or elsewhere Any Thing in the aforesaid Law to the Contrary notwithstanding. L. H. J. Lib. 41

Signed p Order W. Bladen Cl. Co.

The Reading of which foregoing Message it's Ordered to be referred till to Morrow Morning. p. 413

The House adjourns till to Morrow Morning Nine O'Clock

Wednesday Nov. 11th 1713

The House according to Adjournment met and called over were present as yesterday.

Mr Richard Dallam Clerk of this House being very sick had Leave to go Home Therefore Ordered That Mr Tyler and Mr Mariartee attend Mr Evan Jones to the Council to see him sworn and qualified to be Deputy Clerk of this House.

They return and say they saw him qualified.

Read what was done yesterday.

Yesterday's Message by Colo Holland and three more of the Honble Council, Read, debated and Resolved the following Message be sent in Answer thereto.

By the House of Delegates
Nov. 11th 1713

We have considered maturely of yesterday's Message by the Honble Colo Holland and three others of your Honble Board and do assure your Honours we never had the least Thoughts of reflecting on your Honble Board neither have we

L. H. J. Lib. 41 Reason to doubt of the due Regard you have for the Interest of this Province. This House have with great Care and Diligence search'd all the Records we could find and are not conscious of any Untruths we have averred in the Address sent to your Honours for Perusal therefore desire you will not any more press us on this Subject

Signed p Order Evan Jones D. Cl. Ho. Del.

Sent up to the Council p Mr Sprigg, Mr Mariartee, Col° Hoskins, Mr Ennalls, Mr Solomon Wright and Mr Frisby.

They return and say they delivered the Message.

John Hall Esq. from the Council delivers Mr Speaker John Wells and others Petition.

Read and referred till next Session of Assembly.

Put to the Question whether this House reassumes a former Vote relating to the Act prohibiting the Importation of Bread &^ta Carryed in the Affirmative

Then put to the Question whether the Act prohibiting Bread &^ta be revived this Session or not? Carryed by Majority of Votes in the Affirmative and Resolved a Bill be brought in to revive the said Act and that the Clause in the Message from Council mentioned be therein added

Ingrossed Bill impowering Justices to ascertain Bounds of Parishes &^ta Indorsed

By the House of Delegates
9^br 11th 1713

Read and assented to by the House of Delegates, and

Signed p Order Evan Jones D Cl. Ho. Del.

Sent to the Council p Mr Sprigg, Mr Mariartee, Col° Hoskins, Mr Ennalls, Mr Solomon Wright & Mr Frisby.

They return & say they delivered the Bill

Bill relating to Writs of Error and granting Appeals Read the first and second Times by special Order and will pass

Signed p Ord^r Evan Jones D Cl. Ho. Del.

Sent up to the Council by Mr Tyler and Mr Worthington.

They return and say they delivered the Bill

p. 414 Bill reviving an Act prohibiting Importation of Bread &^ta Read the first and second Times by special Order and will pass.

Signed p Ord^r E Jones D Cl. Ho. Del.

Sent to the Council by Mr Woolford and Mr Brookes who return & say they delivered the same. L. H. J. Lib. 41

Samuel Young and John Hall Esqrs enter the House and deliver Mr Speaker a Law relating to the ffines on Ordinary Licenses and the following Message Viz.

By the Honble President and Council in Assembly
Nov. 11th 1713

We have received your Message by Major Sprigg and five others and tho' we cannot but think it very strange you should refuse the Conferrence desired by this Board for want whereof we find you persist in the Mistake asserted in your Address to her Majesty relating to the ffines on Ordinary Licenses yet we cannot believe we ought, notwithstanding your Desire to press us, no further neglect giving you to understand, that altho' you have averred that the said Fines on Ordinary Licenses were always Temporary and reserved in the Power of the Country to dispose of the Law therefore never having been perpetual, we find there was a perpetual Law made Anno 1695 appropriating the said Fines to the Secretary of this her Majesty's Province of Maryland for the Time being and send you the said Law for your Perusal wherefore we desire you to consider whether such an Address will become the Reputation of your House for which you may perceive we have no small Regard

Signed p Order W Bladen Cl. Council

Which is referred till to Morrow Morning for Answer thereto.

Colo Tilghman from the Council enters House and delivers Mr Speaker the following Bills Viz. with the following Message relating to Mr Carroll's and Mr Bladen's Petition.

Bill for reviving an Act prohibiting the Importation of Bread, Beer &ta Indorsed

By the Council in Assembly
9ber 11th 1713

Read the first and second Times and will pass.

Signed p Order W Bladen Cl. Council

Indorsed

By the House of Delegates
Eodem Die

Read again and past with Amendments for ingrossing.

Signed p Order Evan Jones D. Cl. Ho. Del.

L. H. J. Lib. 41 Bill relating to Writs of Error and granting Appeals Indorsed

By the Council in Assembly
9br 11th 1713

Read the first and second Times and will pass.
Signed p Order W Bladen Cl. Council

By the House of Delegates
Eodem Die.

Read again and past for ingrossing
Signed p Order Evan Jones D. Cl. Ho. Del.

The following Petition of Charles Carroll Esq and William Bladen Esqrs

To the Honble President and Council in Assembly

The Petition of Charles Carroll and William Bladen

Most humbly sheweth;

That your Petitioners have three Houses in the City of Annapolis which from the 22d Day of May 1705 have been
p. 415 made Use of or wholly in the Occupation of the publick Arms and Ammunition and that Capt. John Young Master Gunner and Storekeeper of the publick Magazine in the City of Annapolis or his Predecessor in that Office have ever since had the Keys and Possession thereof without any Use or Benefit thereof whatever made by your Petitioners or any others claiming under them That the said Houses when first taken into the Country's Service were in Repair but are now much decayed.

That upon your Petitrs Remonstrance for Satisfaction for Rent thereof the Delegates have allowed only thirty five Pounds Currency tho' the Rent of the said Houses at a moderate Computation might have brought your Petitioners above Eighty Pounds Sterling

That your Petitioners could never have the Possession of the said Houses restored to them; and the Delegates of the present Assembly taking the Advantage of the Master Gunner or Storekeepers conniving, and permitted Mrs Jane Burnell to put some ffother into the great House though but for two Months last past (unknown to your Petitioners) having refused to make any reasonable Allowance for that Rent of that House on Pretence that the same is not employed for the Arms &ta but by private Persons which with humble Submission to better Judgments had the same Shift been offered to have been

made Use of in private Dealings would not be accounted fair; L. H. J. Lib. 41
wherefore your humble Petitioners pray your Honours to take Care to support the Honour of the Province and that Justice may be done by allowing your Petitioners a just Compensation for the Rent of all their said Houses and that the said House may be delivered into their Possession forthwith. And they shall ever pray for the Prosperity of your Honours and the Province

Charles Carroll
W. Bladen

Indorsed

By the President and Council in Assembly
Novr 11th 1713.

Read in Council and recommended to the mature Consideration of the House of Delegates

Signed p Order W Bladen Cl. Council

Read and ordered the following Answer be sent Viz.

By the House of Delegates
Novr 11th 1713.

This House have maturely considered the Petition of Mr Charles Carroll and Mr William Bladen and Resolve Nemine contradicente no further Allowance be made them on Account of Rent heretofore accruing for the Houses where the publick Arms are now kept

Signed p Order Evan Jones D. Cl. Ho. Del.

Bill confirming and making good and valid a certain Demise of Robert Smith Esqr to Matthew Mason.

By the House of Delegates
9^{br} 11th 1713

Read and the Objections offered by Richard Bennett Esqr against passing this Bill being heard Resolved nemine contradicente the Bill do pass.

Signed p Order Evan Jones D. Cl. Ho. Del.

Sent up to the Council by Mr Solomon Wright, and M^{r} p. 416
Charles Wright who return and say they delivered the Bill.

Col^{o} Tilghman from the Council enters the House and delivers Mr Speaker ingrossed Bill impowering Justices to regulate Bounds of Parishes Indorsed

L. H. J. Lib. 41

9br 11th 1713

Read and assented to by her Majesty's Council and
Signed p Order W Bladen Cl. Council

The House adjourns till to Morrow Morning Nine O'Clock.

Thursday Nov. 12th 1713

The House according to Adjournment met and called over were present as yesterday only Mr Leech being sick.

Read what was done yesterday

Ordered and Resolved the following Message in Answer to yesterday's Message be sent to the Council

By the House of Delegates
9br 12th 1713

We are truly sensible of the great Regard your Honours have for the Reputation of this House which we Daily with the utmost Precaution endeavour to preserve from any just Reflection. We hope the worst of Enemies cannot justly charge us with any Neglect of that Nature. The Law relating to the ffines on Ordinary Licenses you was pleased yesterday to favour us with, altho' it was perpetual yet we find that Law and all others were repealed in Anno 1698 and if that Law had been lodged in the proper Office where it ought to have been we should have taken Notice of it before, but both the Records of Assemblies and other Records are now so squandered about in Holes and Bye-Places that it's almost impossible to find those we want. We shall take Care not to offer any Thing to her Sacred Majesty but what we can aver to be true not doubting but out of her usual Clemency and Goodness she will (when our Address is laid before her) do us all the Justice that we do expect or can reasonably desire

Signed p Order Evan Jones D. Cl. Ho. Del.

Sent p Colo Hoskins, Colo Blay, Major Sprigg and Major Woolford.

They return and say they delivered their Message.

The Committee appointed to inspect the Records report to this House That they examined the Records in the several Offices and find several of the Books wanting Some should be transcribed and a great many want to be repaired and amended. All which they refer to the Consideration of this House

Upon reading the aforesaid Report it's ordered the Consideration thereof be referred till next Session of Assembly and desire the Honble President and Council's Concurrence thereto. And the following Message ordered to be sent Viz. L. H. J. Lib. 41

By the House of Delegates
Novr 12th 1713

We herewith send your Honours the Report of the Committee appointed to inspect the Records. We are willing the Consideration thereof be referred till next Session of Assembly and desire your Honours Concurrence thereto

Signed p Order Evan Jones D. Cl. Ho. Del.

Ingrossed Bill reviving an Act prohibiting the Importation of Bread, Beer &^{ta} p. 417

Nov. 12th 1713

Read and assented to by the House of Delegates and

Signed p Order Evan Jones D. Cl. Ho. Del.

Sent to the Council by Mr Mariartee, who returns and says he delivered the Bill.

Col^{o} Holland, Col^{o} Greenfield, Col^{o} Addison, Col^{o} Tilghman, and John Hall, Esq. from the Council deliver Mr Speaker the following Message Viz.

By the Honble President and Council in Assembly
Nov 12th 1713

Gentl. We have received your Message of this Day by Col^{o} Hoskins and three others and cannot but once more express our Sentiments to you that since you have denied the Conferrence proposed in Order to inforce her Majesty's Royal Commands to this Province laid before you at the Beginning of this Session we must conclude that some of your House are possessed with a mistaken Zeal of the Interest of your Country which seems to have a great Influence on and mislead others wherefore we once more demand a Conferrence with the Members of your House upon the aforesaid subject Matter which if you shall contrary to the Course and Practice of Parliaments refuse us we shall be obliged to assert the Honour and Reputation of this Board by such proper Measures as we shall think most advisable

Signed p Ord^{r} W Bladen Cl Council

Read and debated and put to the Vote whether Conferrence

L. H. J. Lib. 41 as demanded on the Subject Matter or not? and carried in the Negative and Resolved the following Message be sent Viz.

By the House of Delegates
No. 12th 1713

In Answer to your Message by Colo Holland and four more of your Honble Board we once more debated and put it to the Vote of this House whether they would consent to the Conferrence demanded by your Honrs and carried in the Negative We are sorry your Honours should insist thus long on this Subject at a Time especially when so many of the Members of this House are gone Home sick We never had any Intentions to diminish the Honour and Reputation of your Board and cannot now recede from the Resolution of addressing her Majesty

Signed p Order Evan Jones D. Cl. Ho. Del.

Sent up with the ingrossed Bill for regulating Writs of Errors and granting Appeals p Mr John Mackall, Major Sprigg, Mr Mariartee, Colo Blay, Mr Worthington and Mr John Whittington.

They return and say they delivered the Message and ingrossed Bill

p. 418 Bill for apportioning the publick Levy

By the House of Delegates
9br 12th 1713

Read the first and second Time and will pass

Signd p Ordr E Jones D. Cl Ho. Del.

Sent to the Council p Mr Mackall, and Mr Frisby

They return and say they delivered the Bill.

Colo Addison from the Council delivers Mr Speaker Bill for regulating Writs of Errors &ta Indorsed

By the Council in Assembly
Novr 12th 1713

Read & assented to by her Majesty's Council &

Sign'd p Order W Bladen Cl Council

Also the Bill for making good and valid the Demise of Robert Smith Esqr to Matthew Mason Indorsed

By the Council in Assembly
Novr 12th 1713

L. H. J.
Lib. 41

Upon reading this Bill and hearing Mr Richard Bennett's Objections thereto it appearing Mr Bennett is a valuable Purchaser under & according to the Laws of this Province and that at the Time of the Mortgage made him he could not have any due Knowledge of the said Lease to Mason it not being inrolled the Bill is thought unreasonable and that the said Mason ought to seek his Remedy of the Heirs of Robert Smith Esq wherefore we reject the Bill

Signed p Order W Bladen Cl. Council

By the House of Delegates
Novr 12th 1713

Ordered and Resolved this Bill be referred to the next Session of Assembly.

Signed p Order E Jones D Cl Ho. Del.

The House adjourns till to Morrow Morning seven O'Clock

Friday 13th 9br 1713

The House according to Adjournment met and being called over were present as yesterday.

Read what was done Yesterday

Colo Holland, Samuel Young Esqr John Hall, Esqr and Colo Whittington from the Council deliver Mr Speaker the following Message

By the Council in Assembly
Novr 12th 1713

We have taken all possible Care to cultivate a good and amicable Correspondence with your House this Session and cannot but think you use us very ill in denying a Conferrence which we take to be the only Expedient to remove the Difficulties seeming to have created a Misunderstanding between us and to dispatch Business. We do not pretend to direct whether you should address her Majesty in Answer to Sir Thomas Lawrence's Complaint nor would such Conferrence with us prevent your so doing tho' you should be happily convinced that it's your Interest to give a ready and chearful Obedience to her Majesty's Commands which we have so earnestly recommended to you and prest you to comply with wherefore if her most Sacred Majesty should conceive any

L. H. J. Lib. 41 p. 419 Displeasure (as 'tis to be feared she may) at your Neglect or Contempt we hope we shall not fall under it but if any Hardships should hereafter be put on the Country on this Score you will be found to be those who have neglected the true Interest of it and involve us in such Misfortunes This we must needs assert and cannot but leave it on our Journal that it may plainly appear whether you or we have the truest Sense of and Regard to her Majesty's Honour and the Interest of the Province we in demanding or you in refusing so usual reasonable and necessary a Conferrence which we cannot but yet expect from you.

Signed p Order W Bladen Cl. Council

Read and put to the Question whether to join in Conferrence demanded or not? Carried in the Affirmative and Resolved the following Message be sent Viz.

By the House of Delegates
9br 13th 1713

In Condescention to your Hons Message this Morning by Colo Holland and three more of your Honble Board we have maturely considered of the Conferrence demanded and appointed the Members herewith sent to join in Conferrence with such of the Members of your Board as you shall think fit to appt to confer on the subject Matter We desire they may meet thereon immediately at such Place as your Hônours will appoint.

Signed p Order Evan Jones D. Cl. Ho Del.

Conferrees Colo Mackall, Mr Tyler, Mr Mariartee, Colo Hoskins, Major Woolford, Mr Scott, Mr Solomon Wright, Mr Worthington, Mr Colegate & Mr Codd.

Colo Holland, Samuel Young Esq. Colo Addison, Philemon Lloyd Esq. and Colo Tilghman from the Council deliver Mr Speaker the following Message

By the President and Council in Assembly
Nov. 13th 1713

In Answer to your Message by Colo Mackall and nine others we have appointed the Honble Colo Holland, Samuel Young Esqr Colo Thomas Addison, Philemon Lloyd Esqr and Colo Richard Tilghman to join with the Members of the House of Delegates on the Conferrence this Day agreed to and to meet immediately at Mr Dodds.

Signed p Order W Bladen Cl. Council

Whereupon the Conferrees withdrew. L. H. J. Lib. 41

The House adjourned for an Hour

The House met according to Adjournment.

The Report from the Conferrence this Day held at Mr Dodd's Viz. brought into the House & is a follows

At a Conferrence held at the House of Mr John Dodds Novr 13th 1713 in Relation to the passing a Law for regulating Ordinarys and appropriating the ffines thereof to her Majesty's Secretary for the Time being, Present of the Hon̄ble Council Col^o^ William Holland, Samuel Young, Esq Philemon Lloyd, Esq, Col^o^ Thomas Addison Col^o^ Richard Tilghman. Of the House of Delegates Col^o^ John Mackall, Mr Robert Tyler, Mr Daniel Mariartee, Col^o^ Philip Hoskins, Major Roger Woolford, Mr Edward Scott, Mr Solomon Wright, Mr Saml Worthington, Mr Richd Colegate and M^r^ St Ledger Codd.

Who make Choice of Col^o^ William Holland Chairman and p. 420 John Beale their Clerk and her Majesty's Order in Council in Relation to passing the Law aforesaid being first read the Hon̄ble Council appointed upon the Conferrence propose to the Conferrees of the Hon̄ble House of Delegates, that there be a Law made for regulating Ordinaries and appropriating the ffines thereof to her Majesty's Secretary of the Province of Maryland for the Time being pursuant to her said Majesty's Order in Council aforesaid and offered their Reasons therefor which being fully debated the said Conferrees of the House of Delegates could not agree thereto believing that the Secretary has no Right to the same Thereupon the said Conferrence being ended they withdrew to their several Places

Signed p Order John Beale Clk

The House adjourns till to Morrow Morning 7 O'Clock

Saturday 9^br^ 14th 1713

The House according to Adjournment met and being called over were present as yesterday.

Read what was done Yesterday

Ordered That Richard Young Gate keeper of the City of Annapolis buy one thousand Clapboards and one thousand Eight Penny Nails one thousand of 10^d^ Nails to repair the Gate House of the said City and that he be allowed for the same next Session of Assembly.

Ordered the following Message be sent to the Council Viz.

L. H. J. Lib. 41

By the House of Delegates
Novr 14th 1713

The Season of the year being far advanced and almost half the Members of this House being sick in Town or gone Home we desire your Honours to expedite the Bill for assessing the publick Levy and appoint when some of the Members of this House may wait on your Honours to see the Laws sealed that this Session may be closed without further Charge to the Country

Signed p Order Evan Jones D. Cl. Ho. Del.

Sent up to the Council p Mr John Mackall and Mr Tyler who return and say they delivered the same.

Col^{o} Addison from the Council delivers Mr Speaker the following Message Viz.

By the President and Council in Assembly
Nov. 13th 1713.

We do not know any Room in the Court House proper to lodge the publick Arms &^{ta} in and tho' for the present according to your Desire they may be put in the Assembly or Chancery Offices yet we think it most fit that a small House be built on the publick Ground and at the publick Charge on Purpose to lodge and secure the said Arms in &^{ca} and wish you once more to consider whether it may not be fit to have small Houses built near the several County Court Houses for the better securing of the Arms belonging to the several Counties

Signed p Order W Bladen Cl. Council.

Which being read and debated Resolved the following Answer be sent to the Council.

By the House of Delegates
9^{br} 14th 1713.

p. 421 This House propose to build a House for to lodge the publick Arms in to be built 25 feet long 18 foot high and ten ffoot pitch sawed fframe Planked within Side and without well shingled and to be built on the publick Ground.

Mr Thomas Docwra will undertake the Work as to the Building of Houses in the several Counties for County Arms, This House desire the Consideration of it may be referred till next Session and desire your Honours Concurrence thereto

Signed p Order Evan Jones D. Cl. Ho. Del.

Sent p Mr Worthington, Mr Brooke, Mr Scott and Mr Broome L. H. J. Lib. 41
They return and say they delivered the same.

The House adjourns for an Hour.

According to Adjournment met and present as in the Morning.

Col° Holland Col° Greenfield, Esq Hall, and Col° Addison from the Council deliver Mr Speaker the following Message Viz.

By the President and Council in Assembly
Nov. 14th 1713

On Perusal of the Report from the Conferrence yesterday we cannot but offer to your Consideration.

1st Whether any Person may sell, vend or utter any Brandy, Cyder, Quince Drink, or other Wine without Agreement made therefor and with whom are the Vintners or Retailers of such Wines to make Agreement for such License.

2d If the Prerogative has the Power of granting such Wine Licenses and it be vested in proper Commissioners or Agents whether the Justices of the County Courts have any Thing to do therewith

3d Whether it be not a natural Consequence deduced from the Premises that the Queen may lawfully grant the said Power and Profits thereof to whom she thinks fit as King Charles the Second did to the then Duke of York his Brother tho' since reinvested in the Crown. Vide the several Acts of Parliamt therefor.

4th What Ordinary Keeper in this Province will desire a License to sell Beer and Ale only were it in the Power of the County Justices to grant such Licenses

5th Whether it be not worth your Reflection how much has been already and what more may be spent on this Debate and when you can think there will be an End of it whilst the Secretary continues to make his Claim and the Crown espouses it or how shall we avoid the Charge of calling of an Assembly together whenever her Majesty shall please to send her further Commands to them in this Matter. Lastly we desire every serious good Man who is a Wellwisher to his Country will consider whether the neglecting her Majesty's Commands will not only draw her Displeasure upon us but also involve our Posterity in Misfortunes at present unforeseen which a reasonable Compliance therewith might have prevented.

Signed p Order W Bladen Cl Council

Read, considered and Resolved the following Message be sent up to the Council. p. 422

L. H. J. Lib. 41

By the House of Delegates
9ber 14th 1713

This House have considered your Message by Colº Holland and three other of the Members of your Honble Board and are much surprized to find you put such Interrogatories to us as we think we are not obliged to answer. We have no Thought of infringing her Majesty's Prerogative and we believe have not given any one just Occasion to think so and we are sorry such Pretences should be made use of to gratify any one or delay the finishing this Session. We cannot see any ill Consequences will come of our applying our Reasons to the Queen notwithstanding any Clamour and Noise the Secretary may make we doubt not our just Reasons will be heard. As for that of granting Licenses to sell Ale Cyder &ta Victualling we take to be a Part of the Power given to the Justices of the Peace both by her Majesty's Commission & divers Acts of Parliament. This Affair has already cost the Country a great deal of Money and us a great deal of Time but cannot think any Man will blame us for it but those who are the unjust Cause of it. We take this Proceeding to be nothing else but a Design of wearying us out of a Resolution we have so often assured you we could not recede from and to increase a heavy Charge on the Country which may seem to reflect on us tho' we hope we shall easily satisfy those whom we represent what the true Cause of it has been: We pray your Honours to desist from any more Messages on this Subject we being already resolved to stand and fall by what our Gracious Queen shall determine when our Case is made known to her

Signed p Order Evan Jones D. Cl. Ho. Del.

Sent p Mr Tyler and seven more, who return and say they delivered the Message

Colº Addison from Council delivers Mr Speaker Bill for laying & assessing the publick Levy Indorsed.

By the Council in Assembly
9ber 12th 1713.

Read the first Time and indorsed and will pass.

Signed p Order W Bladen Cl Council

And likewise Colº Addison delivers Mr Speaker the following Message Viz.

By the President and Council in Assembly
Nov. 14th 1713 L. H. J. Lib. 41

We have your Message of this Day by Mr Worthington and three more of your Members relating to Arms House and do concur with your Resolves therein

Signed p Order W Bladen Cl. Council

Ingrossed Bill for laying and assessing the publick Levy Indorsed as follows

9ber 14th 1713

Read and assented to by the House of Delegates and

Signed p Order Evan Jones D. Cl. Ho. Del.

Sent p Mr Woolford and Mr Scott. p. 423

They return and say they delivered the Bill

John Hall Esq from Council brings the following Message

By the President and Council in Assembly
9ber 14th 1713

Whereas the Printer is dead and the Act for Publication of all Laws within this Province requires a fair Transcript of the Laws of every Session to be wrote on Parchment and transmitted by Writ under the Great Seal to the Sheriff of each respective County to be published for which the Keeper of the Great Seal is to be allowed so much Tobacco as the General Assembly in which the said Laws are made shall assess and allow and the transcribing on Parchment being absolutely required there not being sufficient to be had for that Purpose we desire your Advice in the Premises.

Signed p Order W Bladen Cl Council

Upon reading the foregoing Message it's ordered the Answer following be sent

By the House of Delegates
9ber 14th 1713

In Answer to your Message of this Day by John Hall Esq. we desire the Hoñble President will cause the Laws made this Session of Assembly to be transcribed on good Paper the Parchment which the Country sent for being not yet arrived and what is to be bought in the Country is very dear and scarce not fit for Use

Signed p Order Evan Jones D. Cl. Ho. Del.

Sent p Mr Lloyd and Mr Mariartee.

L. H. J. Lib. 41 Col° Tilghman from the Hon̄ble Council delivers Mr Speaker the ingrossed Bill confirming the Will of Jeremiah Sullavant with Papers relating thereto, the same being read & referred till next Session of Assembly

The Address to her Majesty prepared by the Committee of Laws relating to Sir Thomas Lawrence being this Day brought into the House was read & approved of and ordered to be entered at the End of this Journal And Resolved by the House That Mr Speaker inclose the said Address and a Copy of the Votes of this House concerning an Agent in a Letter to Nathaniel Blackiston Esqr. appointed Agent for this Province and that the said Nathaniel Blackiston Esq. be paid by the Public what extraordinary Charge he shall be at in solliciting this Affair over and above what is agreed on.

Ordered That Mr Garrett take Care to convey the Letter directed Col° Blackiston on board the Ship Patapsco Merchant whereof William Fowle is Commander and that he be allowed for the same next Session of Assembly.

The House proceeds to tax the ffees for private Bills past this Session

Stephen Rich for his Bill of Naturalization	To Mr Speaker	£2	.. 0	.. 0
	To the Clerk	1	. 0	.. 0
p. 424 John Lamee for the same	To Mr Speaker	2	.. 0	.. 0
	To the Clerk	1	.. 0	.. 0
Samuel Berry for the same	To Mr Speaker	2	.. 0	.. 0
	To the Clerk	1	.. 0	.. 0
John Coale for his Bill of Relief	To Mr Speaker	1	.. 0	.. 0
	To the Clerk		10	.. 0
Henry Acton for his Bill of Relief	To Mr Speaker	3	.. 0	.. 0
	To the Clerk	1	.. 10	.. 0
John Smith for his Bill of Relief	To Mr Speaker	3	.. 0	.. 0
	To the Clerk	1	.. 10	.. 0
Anthony Ioy for his Bill of Relief	To Mr Speaker	3	.. 0	.. 0
	To the Clerk	1	.. 10	.. 0
Josias Crouch for his Bill of Relief	To Mr Speaker	1	.. 0	.. 0
	To the Clerk	—	.. 10	.. 0

John Hall Esq. and Col° Addison from Council deliver Mr Speaker the following Message Viz.

By the President and Council in Assembly
Nov. 14th 1713

Out of a due Regard we owe to her Majesty and true Sense we have of the Interest of the Province we have by many

Messages endeavoured to persuade your House to comply with her Majesty's Commands and these we affirm to be the only Motives that have induced us to be so very importunate with you this Session and multiply so many Messages and must deny the same were used to gratify any one or delay the Session which we look upon to be an unworthy Reflection and base Imputation thrown on this Board and which we cannot but highly resent as to any Reflections you may bestow upon us when you come to your several Counties in the vindicating your own Reputations we are above the Consideration thereof well knowing if you shall throw any Aspersions upon us they will be altogether unjust and groundless and whereas several of you are Justices in your respective Counties we must warn you as there is now no Law in fforce in this Province relating to Ordinaries you had best take Care how you put any of the Laws of the Kingdom of Great Britain relating to Ale House Keepers and Victuallers in fforce and Practice here unless you are well satisfied you are sufficiently impowered so to do L. H. J. Lib. 41

Signed p Order W Bladen Cl Council

Ordered Mr James Lloyd and Mr Mariartee attend the Hon̄ble President and Council and acquaint that Hon̄ble Board this House have nothing before them and are ready to attend their Honours to finish this Session.

They return an say they delivered their Message.

Col° Addison from Council enters the House and informs Mr Speaker that the President and Council desire that some of the Members of this House bring up the Bills agreed to this Session and see them sealed; and Mr Lloyd & Mr Mariartee were ordered to carry the same

Nov. 14th 1713 p. 425

They return and say they delivered the Bills and saw them sealed.

Col° Addison and Col° Tilghman from the Council enter the House and inform Mr Speaker the Hon̄ble President and Council commands him and the whole House immediately to attend him in the Council Chamber and being admitted at the Board Mr Speaker delivered to the Hon̄ble President the several Bills agreed upon this Session being in Number seventeen whose Names and Titles follow.

Publick Bills

1 Bill for killing Wolves, Crows and Squirrels

2 Bill to restrain the ill Practice of Sheriffs.

L. H. J. Lib. 41

3 Bill for Relief of Debtors and ascertaining the Manner of Tenders in Tobacco

4 Bill ascertaining what shall be allowed to Grand and Petit Jurors &ta

5 Bill for more speedy conveying publick Letters and Packets

6 Bill for Direction of Sheriffs Office

7 Bill against false packing Tobacco

8 Bill impowering the Justices to regulate the Bounds of Parishes

9 Bill reviving an Act prohibiting the Importation of Bread Beer &ta

10 Bill for regulating Writs of Errors &ta

11 Bill for Payment and Assessment of the publick Levy.

Private Bills

12 Bill for Relief of John Coale of Charles County.

13 Bill for Relief of Josias Crouch of Kent County

14 Bill for Naturalization of Stephen Rich, John Lamee and Samuel Berry

15 Bill for Relief of John Smith of Cecil County.

16 Bill for Relief of Henry Acton of Charles County

17 Bill for Relief of Anthony Ioy.

All which said Bills the Hon̄ble President was pleased to Enact into Laws by sealing them with the great Seal and indorsing them separately

Nov. 14th 1713

On Behalf of our Sovereign Lady Queen Anne of Great Britain &ta I will this be a Law.

Edwd Lloyd Presidt

Then his Honour was pleased to declare that with Advice of her Maty's Council he thought fit to prorogue this present General Assembly to the ninth Day of March next and prorogued them accordingly

Mr Speaker and the House return to their own House where Mr Speaker resumed the Chair and declared the Hon̄ble President's Pleasure for proroguing this present General Assembly and the House accordingly prorogued themselves to the aforesaid ninth Day of March next.

So ended this present Session of Assembly on Saturday the 14th Day of Novr in the 12th Year of her Majesty's Reign.

ACTS.

At a Session of Assembly begun and held at the City of Annapolis in the County of Ann Arundel, the 27th day of October, and ended the 14th day of November, in the 12th year of the Reign of our Sovereign Lady, Anne, Queen of Great Britain, France, and Ireland Defender of the Faith, etc. Annoq. Domini 1713, were enacted the Laws following.

Edward Lloyd, Esq., President.

An Act for the more speedy conveying Public Letters and Packets of this Province, and defraying the Charge thereof; and to prevent the Abuses of breaking open, and concealing any Letters whatsoever. Bacon

Forasmuch as several of the Inhabitants of this Province have been formerly subject to great and manifest Inconveniencies by pressing of Horses, under Pretext of carrying and conveying Public Letters and Packets: For Prevention whereof, and that due Care may be taken for the future, that all Public Letters and Packets, relating to her Majesty's, or the Public Service of this Province, be securely and expeditiously conveyed, according to their Directions, the Delegates of this present General Assembly do pray that it may be Enacted;

II And be it Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's President, Council, and Assembly of this Province, and the Authority of the same, That the Sheriff of each respective County is hereby enjoined and commanded to take Care of all Public Letters and Packets, and expeditiously convey them, according to their respective Directions, to the next Sheriff or Under-Sheriff of the next adjacent County.

III. And for the Encouragement of the several and respective Sheriffs, and their Diligence in conveying such Public Letters and Packets, that they may be allowed the several Sums hereafter expressed, to be laid in the Public Levy of this Province, That is to say;

To the Sheriff of Ann-Arundel County, Fifteen Hundred Pounds of Tobacco, who is hereby obliged to convey all such Letters and Packets as are directed, and must go over to the Eastern Shore, to Kent-Island, and there to be delivered to the Sheriff of Queen-Anne's County, or his Deputy.

Bacon To the Sheriff of Queen-Anne's County, Fourteen Hundred Pounds of Tobacco, who is hereby also obliged to convey all such Letters and Packets as are directed to the City of Annapolis, to the said City.

To the Sheriff of Cecil County, One Thousand Pounds of Tobacco, who is also obliged to convey all such Letters and Packets as are directed to the Northward, to the Town of New-Castle upon Delaware.

To the Sheriff of Talbot County, Eight Hundred Pounds of Tobacco.

To the Sheriff of Kent County, Six Hundred Pounds of Tobacco.

To the Sheriff of Dorchester County, Six Hundred Pounds of Tobacco.

And to the Sheriff of Somerset County, Six Hundred Pounds of Tobacco.

To the Sheriff of Calvert County, Eight Hundred Pounds of Tobacco.

To the Sheriff of Charles County, Eight Hundred Pounds of Tobacco.

To the Sheriff of St. Mary's County, Eight Hundred Pounds of Tobacco

To the Sheriff of Prince-Georges County, Six Hundred Pounds of Tobacco.

And to the Sheriff of Baltimore County, Six Hundred Pounds of Tobacco.

Which said several and respective Sums of Tobacco shall be annually allowed and paid to the Sheriffs aforesaid; in Consideration whereof the Sheriffs of the said several and respective Counties shall defray all such Charges as shall accrue by Reason of conveying of such Letters or Packets; any former Law, Usage or Custom to the contrary notwithstanding.

IV. And be it further Enacted by the Authority aforesaid, That such Public Letters and Packets be endorsed, For her Majesty's Service, and with the Person's Name that send them. And if any Person or Persons whatsoever, shall, at any Time after the Publication of this Act, presume to endorse any Letter or Letters, Packet or Packets, so as aforesaid, which are not for the Public Service, he, or they, shall forfeit and pay for such Offence Five Hundred Pounds of Tobacco, to be recovered in any of her Majesty's Courts of Record within this Province, by Action of Debt, Bill, Plaint, or Information; wherein no Essoin, Protection or Wager of Law shall be allowed.

V. And the better to ascertain what Letters shall be accounted Public Letters, Be it Enacted, by the Authority, Advice and Consent aforesaid, That all Letters directed to the Governor of this Province, for the Time being, endorsed, For her Majesty's Service; and all Letters sent by the Governor, having his, or the Clerk of the Council's Name endorsed, and For her Majesty's Service, directed to any Person whatsoever; and all Letters sent by any Member of her Majesty's Council, with the Subscriber's Name endorsed, and For her Majesty's Service; all Letters sent by the Speaker, or Clerk of the House of Delegates, for the Time being, with the Subscriber's Name endorsed, and For her Majesty's Service; all Letters sent by a Justice of the Provincial Court, with the Subscriber's Name endorsed, and For her Majesty's Service; and all Letters sent by the Public Treasurers of each Shore, to any Naval Officer, with the Subscriber's Name endorsed, and For her Majesty's Service, shall be accounted, only, Public Letters. Bacon

VI. And whereas, also, the Sheriffs of this Province, whose Duty it is to convey Letters for her Majesty's Service, are very much complained of for their Negligence therein; Be it Enacted, by the Authority, Advice and Consent aforesaid, That if any High-Sheriff, or his Deputies, receive any Public Letter, he shall, if required, give a Receipt for the same, shewing the Day and Hour when he received the same: And when he delivers the same Letter to the next Sheriff, or Party to whom directed, the Party that receives the same shall likewise, if required, give such like Receipt to the Sheriff that first received it. And if any High-Sheriff, or his Deputy or Deputies (for whom the High-Sheriff shall be answerable) shall refuse to give such Receipt, to be proved by the Oath of the Person demanding such Receipt; or, having received such Letter, shall wilfully neglect immediately to forward such Letter, as directed, so that such Letter is Stopped Twenty-four Hours longer than it reasonably need be, (respect being had to the Wind and Weather) the High-Sheriff shall forfeit the Sum of Two Thousand Pounds of Tobacco in Cask; the one Moiety thereof to our Sovereign Lady the Queen, her Heirs and Successors, for the Support of the Government of this Province, the other Moiety to him or them that will sue for the same; to be recovered by Action of Debt, in any Court of Record of this Province. And such Neglect of such Sheriffs shall be evidenced by the Dates of the Receipts.

VII. And whereas the Trade and Commerce of this Province is, in great Measure confined to England, and the Inhabitants of this Province of necessity are obliged to lodge their Effects, and wholly correspond with the Merchants in England, by which Means we have great Dependance upon their Advice

Bacon in Trade; and often Protested Bills of Exchange are remitted hither to the several Persons interested therein, which are sometimes of considerable Value; and for want of due Care of such Letters, in which the same are inclosed, no settled Post-Houses being appointed for the Reception of them, many Times sundry evil-minded Persons find Occasion clandestinely to take such Letters out of the Public Houses, where they are generally left, and break open and conceal the same, to the great Detriment of sundry of the Inhabitants, Merchants, and Traders: And many ill-designing Persons, who have drawn Bills of Exchange, not having any Bottom in England to answer the same, well knowing and observing to what Merchant or Merchants such Bills are remitted, do diligently watch the Returns of such Bills from the Merchants, and guessing at some Letters to be the Coverts of their Protested Bills, get them into their Hands, and destroy the same, to the great Detriment of many honest Traders and Dealers, and others concerned; And many Times others, out of a dishonest and inquisitive Temper, secretly take and break open public and private Country Letters, to the great Dissatisfaction and Prejudice of several the Inhabitants, her Majesty's good Subjects, and great Delay of Public Business: For the Prevention thereof for the future;

VIII. Be it Enacted, by the Authority, Advice and Consent aforesaid, That if any Person or Persons whatsoever, shall hereafter presume to take and break open the Seal or Seals of any Letter or Letters whatsoever, not being unto him or them directed, or not having especial Licence from the Persons to whom the same are directed, their Executors or Administrators, so to do, shall, upon due Conviction thereof, either in the Provincial or County Courts of this Province, suffer Imprisonment of his, her, or their Bodies, for and during the Space of Six Days, without Bail or Mainprize, and forfeit the Sum of Five Pounds Sterling; the one Moiety to her Majesty, her Heirs and Successors, for the Support of Government, the other Moiety to him or them that shall inform, or sue for the same; to be recovered in any Court of Record within this Province, by Action of Debt, Bill, Plaint or Information, wherein no Essoin, Protection or Wager of Law to be allowed.

IX. And in case any Person or Persons shall break open any Letter or Letters directed to his Excellency, her Majesty's Governor, or any of her Majesty's Council of this Province, for the Time being, or other Public Letter Superscribed, or directed, For her Majesty's Service, and signed by any Person having Authority so to do, and shall be thereof legally convict, he, she, or they, so offending, shall suffer Two Months Impris-

onment, without Bail or Mainprize, and forfeit to our Sover- Bacon
eign Lady the Queen, her Heirs and Successors, the Sum of Twenty Pounds Sterling; to be recovered and divided as aforesaid.

X. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That one Act of Assembly of this Province, made at a Session of Assembly, begun and held at the Port of Annapolis, the Twenty-sixth Day of March, Anno Domini Seventeen Hundred and Seven, entitled, An Act to prevent the Abuse of breaking open, and concealing public and private Letters; and every Article, Clause and Thing therein contained, be and is hereby repealed, and made null and void.

Examined and Compared with the Original Act.

Reverdy Ghiselin
Thomas Bacon

An Act for Relief of Debtors; and ascertaining the Manner of Tenders in Tobacco.

Whereas several honest persons within this Province being indebted in Tobacco to divers Persons, Merchants, and others, and well disposed to pay the same, taking Care therefor, by providing the Tobacco; but oftentimes it so happens, that because an Opportunity or Conveniency doth not offer to the Creditor to dispose thereof, they do frequently refuse, neglect and delay to receive the said Tobacco in Discharge of the Debts; whereby the Debtor remains in Debt, and the Tobacco by him procured to pay the said Debts, remains in his Hands, subject to all Casualty on the Debtor's Account, and which he dares not make Use of for Fear of his Creditor's demanding and suing after for the Debt: For Remedy whereof for the future;

II. Be it Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's President, Council, and Assembly of this Province, and the Authority of the same, That any Person or Persons whatsoever, inhabiting within this Province, and now being, or that hereafter shall be indebted to any Merchant or Others, either resident in or trading to this Province, that hath Tobacco ready, according to the Nature of the Debt he owes, and is willing to pay the same, and hath offered it to his Creditors, his Factor or Attorney, and by him or them refused, neglected, or delayed to be received as aforesaid, it shall and may be lawful to and for such Debtor or Debtors, at any Time between the first Day of November, and the last Day of March, in every Year, during the Continuance of this Act, and at no

Bacon other Time, to repair to the next Justice of Peace, and there before him, upon making Oath of such Tobacco being already tendered, and neglected, refused or delayed to be received, the said Justice shall, and is hereby impowered and required to appoint two sufficient Persons, being Freeholders in the Neighbourhood, (not being of Kin either to the Debtor or Creditor) where such Debtor shall dwell, to view, search and look upon such Tobacco so ready to be paid in Discharge of the Debt, and tendered as aforesaid: Which two Persons so appointed shall take their Oaths, to be administered by the Justice aforesaid; well and truly to try and examine into the Matter aforesaid, and make Report to the Justice aforesaid. And if upon viewing the same, it be found that the Tobacco aforesaid is clean, sound and merchantable, and fit to be paid in Discharge of the Debt aforesaid, they shall, and are hereby authorized and impowered to mark the said Tobacco in Hogsheads upon the Head and Bulge, for such Creditor as aforesaid, and weigh the same, and signify the neat Weight thereof unto the Justice aforesaid. Which Tobacco, so tendered, and refused to be received, being viewed, marked and weighed as aforesaid, shall for ever after be esteemed and taken as the proper Goods and Tobacco of the Creditor, and in absolute Discharge of the Debt aforesaid, or of so much thereof as the same Tobacco shall weigh. Provided, each Hogshead weighs Five Hundred neat, or upwards.

III. And because many Contracts, Bills and Bonds may be of different Nature and Circumstances, It is hereby further Declared and Enacted, That upon every such Viewing as aforesaid, the Creditor, his Factor or Attorney, shall have Notice thereof by the said Debtor, and if he do not come to the Place, and make known, by shewing the Contract or Obligation, the Circumstances or Nature of the Contract or Obligation, if the Tobacco viewed as aforesaid, be clean from Trash, sound and merchantable, it shall be marked and weighed in Discharge of such Debt, be the same of what Nature soever. And the Person in whose Houses the Tobacco lies, or shall lie, shall take Care of and preserve the same for one whole Year, as they are obliged to do Tobacco actually received by any Creditor, Merchant or others; any Law, Statute, or Usage to the contrary notwithstanding.

IV. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That if any Debtor who hath tendered Tobacco to his Creditor, which is in very good Condition, clear of all manner of Trash, according to the tenor of the Specialty aforesaid, and well packed in good seasoned Hogsheads, and which Hogsheads of Tobacco contain Five Hundred Pounds of neat Tobacco, at the least, and which the

Creditor refused, and hath such Tobacco ready to tender and pay to his Creditor, be yet notwithstanding sued and prosecuted at Law, in order to recover such Tobacco as he shall be indebted to his Creditor; if at the Trial the Defendant shall make appear by two sufficient Evidences, that he tendered to the Plaintiff such his Debt, in such Tobacco, qualified as aforesaid, having the Tobacco ready and full packed in Hogsheads, before the Plaintiff purchased his Writ; then and in every such Case, the Plaintiff shall not recover any Cost of Suit against the Defendant, but shall pay the Defendant what Cost the Defendant hath in that Cause expended, to be deducted out of the Plaintiff's Debt by the Court before whom such Suit shall be: And the Plaintiff shall have Judgment for what shall be remaining due to him after such Deduction made as aforesaid. Bacon

V. And in case any Plaintiff, after such Recovery had of any Quantity of Tobacco against any Defendant, having Tobacco packed in Hogsheads, and qualified as aforesaid, shall refuse, upon the Defendant's tendering of such Tobacco, to receive the same, but shall sue out Execution against the Defendant, whereby the Defendant is taken in Execution, and imprisoned; then and in such Case, any Friend of the said Defendant so imprisoned, may, on Behalf of such Prisoner, go to the High-Sheriff, and require him to certify to the next Justice of the Peace, at whose Suit, and for what Sum, the said Prisoner is in Execution; which Certificate the Sheriff shall make gratis, and give to such Person requiring the same, within Five Hours after such Demand, under Penalty of Two Thousand Pounds of Tobacco in Cask, to be forfeited by the High-Sheriff if he wilfully refuse to make the same; the one Half thereof to her Majesty, her Heirs and Successors, for the Support of Government, the other Half to the Party grieved, to be recovered by Action of Debt, in any Court of Record of this Province: Which Certificate so obtained, any Friend or Agent of such Prisoner, shall shew to such next Justice of Peace; and if such Friend or Agent will aver, that the Prisoner hath Tobacco ready to pay such Debtor Damages recovered convenient, and that such Friend will open and shew the same, the said Justice of Peace shall either go in Person, or send two discreet Persons, Freeholders as aforesaid, sworn before him, to view the Tobacco and weigh it, and make Report thereof; and if it happen the Tobacco is found, merchantable, and of such Weight to discharge the whole Sum mentioned in the Execution, then shall the said Justice give Notice to the Sheriff in Writing, under the Hand of such Justice, by the Agent of such Prisoner, that except such Sheriff come and shew good Cause to the contrary, that the said Justice will

Bacon cause the said Tobacco to be marked on the Creditor's Risque; and if Cause be not shewed within Forty-eight Hours after the Date and Service of such Writing, which shall be dated on or at a certain Hour of a certain Day, that then the Justice shall cause the said Tobacco to be marked and numbered, and shall send the Sheriff a Certificate of the Mark, Number, Weight, and Place where such Tobacco lies, on the Creditor's Account: And, in case the Prisoner is not in his Custody on any other Account, he shall suffer him (paying, or giving Security for his Fees) to go at large, and shall not be answerable upon any Action of Escape; and if after this the Sheriff detain the Prisoner any longer in Prison, such Detaining shall be adjudged False Imprisonment.

Examined and Compared with the Original Act,

Reverdy Ghiselin
Thomas Bacon.

An Act for regulating Writs of Error, and granting Appeals from and to the Courts of Common Law within this Province.

Forasmuch as the Liberty of Appeals, and Writs of Error, from the Judgment of the Provincial and County Courts of this Province, is found to be of great Use and Benefit to the Good of the People thereof:

II. Be it therefore Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's President, Council, and Assembly of this Province, and the Authority of the same, That no Execution upon any Judgment obtained either in the Provincial or County Courts, or other inferior Courts of Record within this Province, shall be stayed or delayed, or any Supersedeas upon such Judgment granted, or issued forth, upon any Appeal or Writ of Error, from any such Court or Courts of Record as aforesaid, to the Court before whom such Appeal ought to be brought, or before whom such Writ of Error ought to be heard and determined, unless such Person or Persons in whose Name such Appeal or Writ of Error shall be made or brought as aforesaid, or some other in his, her, or their Behalf, shall immediately upon making such Appeal, or suing out such Writ of Error as aforesaid, enter into Bond, with sufficient Sureties, (such as the Justices of the Court by whom Judgment shall be given as aforesaid, or the Keeper of the Seal for the Time being, to whom Application shall be made for such Writ of Error as aforesaid, shall approve of) in double the Sum recovered by such Judgment obtained as aforesaid, with Condition, "That if "the Party Appellant, or Party suing out such Writ of Error

"as aforesaid, shall not pursue the Directions of this Act here- Bacon
"after mentioned, at the next Court ensuing, before whom
"such Appeal or Writ of Error ought to be tried as aforesaid,
"and prosecute the same Writ with Effect; and also Satisfy
"and pay to the said Party, his Executors, Administrators, or
"Assigns, in case the said Judgment shall be affirmed, as well
"all and singular the Debts, Damages and Costs adjudged
"by the Court before whom such Action was first brought,
"and from whose Judgment such Appeal shall be made, or
"thereon a Writ of Error brought as aforesaid, as also all
"Costs and Damages that shall be awarded by the Court
"before whom such Appeal or Writ of Error shall be heard,
"tried, and determined as aforesaid; then the said Bond to be
"and remain in full Force and Virtue; otherwise of no Effect."

III And be it Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That no Person or Persons whatsoever, against whom any Judgment shall be given in any County Court of this Province, wherein the Debt or Damages for which such Judgment shall be given, shall have any Appeal or Writ of Error from the said County Courts, or other inferior Courts of Record, to the Provincial Court, wherein the Debt or Damages recovered do not amount to the Sum of Six Pounds Sterling, or Twelve Hundred Pounds of Tobacco. And that no Person or Persons whatsoever, against whom any Judgment shall be given in the Provincial Court of this Province wherein the Debt or Damages recovered do not exceed the Sum of Fifty Pounds Sterling, or Ten Thousand Pounds of Tobacco, shall be allowed any Appeal, or Writ of Error, to the Governor and Council of this Province; but the Judgment of the Justices of the same Courts by whom such Judgment shall be given as aforesaid, and thereupon entered, shall be definitive for any such Debt or Damages as aforesaid; any Law, Usage or Custom, to the contrary notwithstanding.

IV. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That the Method and Rule of the Prosecution of Appeals and Writs of Error, shall, for the future, be in Manner and Form as is herein after mentioned and expressed, (That is to say,) The Party appealing, or suing out such Writ of Error as aforesaid, shall procure a Transcript of the full Proceedings of the said Court from whence such Appeals shall be made, or against whose Judgment the Writ of Error shall be brought as aforesaid, under the Hand of the Clerk of the said Court, and Seal thereof; and shall cause the same to be transmitted to the Court before whom such Appeal or Writ of Error is, or ought to be heard, tried and deter-

Bacon mined as aforesaid; and also in the same Court file, in Writing, according to the Rule of the same Court, such Error in the Proceedings, as the Plaintiff in the Writ of Error shall think fit to assign, or such Causes or Reasons as he, or they, had for making the said Appeal, or suing out such Writ of Error as aforesaid; upon which Transcript the said Court to whom such Appeal shall be made, or before whom such Writ of Error shall be brought as aforesaid, shall proceed to give Judgment.

V. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That all Appeals made in Manner aforesaid, shall be admitted and allowed by the superior Courts, to whom such Appeal shall be made as aforesaid, in nature of a Writ of Error; and that every Clerk of a Court shall at the Time of the Sitting of any Court to which they respectively belong, and when any Appeal shall be demanded, enter a Memorandum of such Demand, as well in his or their Courts Proceedings, as in the fair Records of the Proceedings of such Court, And that no Clerk of a Court do refuse or delay, upon Request of any Appellant as aforesaid, to write and make out a Transcript of the whole Proceedings as aforesaid, under his Hand, and the Seal of the Court as aforesaid, upon Penalty to pay the respective Damages which such Appellant shall Sustain by such Refusal or Delay as aforesaid, the said Party paying, or securing to be paid, such respective Clerk his just Fees for the same, according to Law.

VI. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That all Appeals, or Writs of Error already made and brought, or hereafter to be made or brought, before the Governor and Council, shall and may be heard by the said Governor and Council, out of Assembly Time; any thing in the same Writ, any other former Law or Practice to the contrary notwithstanding.

VII. And for that it may so happen, that the Governor of this Province, for the Time being, may hereafter be concerned in an Appeal made, or Writ of Error brought, from the Judgment of the Provincial Court, to the Governor and Council aforesaid, or be otherwise indisposed, or absent; Be it therefore Enacted, by the Authority, Advice and Consent aforesaid, That it shall and may be sufficient, in every such Case, for the Council only to hear and determine such Matters of Controversy; whereof the First of the Council in Commission being then present shall preside, whose Judgment thereupon shall be definitive, in as full and ample Manner as if the said Governor were then actually present, and presiding; any thing in this Act to the contrary notwithstanding.

VIII. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That an Act of Assembly of this Province, entitled, An Act for regulating Writs of Error, and granting Appeals from and to the Courts of Common Law, within this Province, made at a Session of Assembly begun and held at the City of Annapolis, the Twenty-eighth Day of October, and ended November the Fifteenth, in the Eleventh Year of the Reign of our Sovereign Lady Queen Anne, Anno Domini Seventeen Hundred and Twelve, is hereby utterly repealed and made void; any thing in the said Act to the contrary notwithstanding. Bacon

Reverdy Ghiselin,
Thomas Bacon.

An Act impowering the Justices of the several County Courts within this Province, to regulate the Bounds of the several Parishes within their respective Counties, when disputable; and for ascertaining the Time and Manner, when and how, the Forty Pounds of Tobacco per Poll shall become due and payable to the Minister or Incumbent of each Parish.

Forasmuch as it hath been represented to this General Assembly, that for Want of due Care in the first Division of the several Parishes within this Province, the Bounds of many of the said Parishes remain very uncertain and disputable, which heretofore hath been, and hereafter may be, the Occasion of many Debates and Controversies, as well between the several Incumbents, as the Vestries of such Parishes: For Prevention whereof for the future;

II. Be it Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's President, Council, and Assembly of this Province, and the Authority of the same, That from and after the End of this present Session of Assembly, it shall and may be lawful for the Justices of the several County Courts within this Province, or the major Part of them, where the Bounds of any Parish, or Parishes, within their respective Counties are uncertain, or ambiguously expressed, to ascertain and regulate them for the future, and after having so done, to cause their Proceedings therein to be enter'd in the Records of their County Courts, there to remain for the satisfaction of those that at any Time hereafter shall have Occasion to have Recourse thereunto.

III. And whereas some Parishes are so divided, as that they are partly contained in Two Counties; Be it therefore Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That in every such Case, the Justices of that

Bacon County Court, wherein the disputable Bounds of such Parish is contained, or the major Part of them, shall determine the same; and cause such their Determination to be entered in the Records of their County Court as aforesaid.

IV. And whereas it appears to this General Assembly, that there is not as yet any Provision made by any Law of this Province, when, or after what Manner the Forty Pounds of Tobacco per Poll shall become due, and payable to the Ministers or Incumbents of the several Parishes within this Province; which, heretofore, hath been the Occasion of many Disputes; Be it therefore Enacted by the Authority, Advice and Consent aforesaid, That when any Minister shall, at any Time hereafter, be lawfully admitted or inducted into any Parish within this Province, he shall not (by virtue of such his Admission or Induction) have, demand, or receive, from the Vestry of such Parish, the whole Forty Pounds of Tobacco per Poll for that Year in which he is admitted or inducted; but only such proportionable Part of the same as shall be found to be his Due, computing the Time from the Day of his Induction, to the Time of laying the next Levy for the County in which his Parish lies. And when it shall so happen that any Minister or Incumbent who hath been a Resident in any Parish within this Province, shall die, or remove out of his Parish, then and in such Cases, the Vestry of that Parish wherein he was Incumbent, shall, at the Time of the Laying the next Levy for their County, pay to such Minister if he be alive, or to his Executors or Administrators if he be dead, such proportionable Part of the Forty Pounds of Tobacco per Poll, as shall be due to him for such Part of the Year as he continued in the said Parish, computing the same from the Time of the Laying the last Levy for the said County, until the Time of such his Death or Removal. And if any Minister or Incumbent, that shall at any Time hereafter be admitted or inducted into any Parish within this Province, shall die, or remove again out of the same, before any Levy be laid in that County where the said Parish lies; then, the Vestry of the said Parish, shall, at the Time of the Laying the next Levy in their County, pay to such Minister if he be alive, to his Executors or Administrators if he be dead, so much of the Forty Pounds of Tobacco per Poll, as shall be due to him, computing the same from the Time of his Admission or Induction, to the Time of his Death, or Removal, and no more; any Law, Statute, or Custom, to the contrary notwithstanding.

Reverdy Ghiselin
Thomas Bacon.

An Act for Killing of Wolves, Crows, and Squirrels.

Baskett p. 68

Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's President, Council, and Assembly of this Province, and the Authority of the same, That hereafter, for the Encouragement of the Inhabitants of this Province, Her Majesty's Subjects, their Servants, and Slaves, to take some Pains, and make it their Business to destroy Wolves, that the Sum of Three hundred Pounds of Tobacco be allowed to every such Inhabitant, that shall bring a Wolf's Head to any Justice of Peace in that County-Levy where the Wolf was killed: And the Justice of Peace shall cause the Tongue to be cut out, that it may not be presented again.

And if an Indian brings a Wolf's Head to any Justice of Peace, he shall have for his Satisfaction, Three hundred Pounds of Tobacco, which shall be satisfied out of the County Levy where the Wolf was killed: And every Justice of Peace is required to make the Encouragement allowed the Indians as effectual as he can.

And be it further Enacted by the Authority, Advice and Consent aforesaid, That every Person that shall bring, or cause to be brought to any Justice of the Peace, in any County within this Province, the Head of a Crow, with a perfect Bill, shall be allowed from the County, where any such Crows were killed, the Sum of Six Pounds of Tobacco; and the Justice of Peace, before whom such Crow's Head shall be brought, shall cause the Bill to be cut off to prevent the Deceit of Twice, or oftner, Paying therefore; and shall give to the Person bringing the same a Receipt therefore, which Receipt shall be sufficient Authority for the Person claiming thereby, to demand, at the next Levy Court, so much Tobacco, as the Crows Heads amount to at the Rate aforesaid.

And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That any Person, that shall kill any Squirrel or Squirrels, after the End of this Session of Assembly, shall, upon the producing the Head or Heads of such Squirrel or Squirrels to a Justice of Peace in the County where such Squirrel or Squirrels shall be killed, and producing a Certificate thereof from such Justice, be allowed for killing every such Squirrel, the Sum of Four Pounds of Tobacco, in the County Levy, that shall be laid for such County after the Date of such Certificate; and that the Justice, that shall give such Certificate, shall, immediately upon giving the same, cut the Ears from off each Squirrel's Head, that shall be so produced to him, to prevent double Allowance for one and the same Head. The Tobacco arising

Baskett due for the several Services aforementioned, to be raised and assessed upon the Inhabitants of the County, where such Services shall be done, by the Justices thereof, at the Time of the Laying the County Levy, and by them to be ordered to whom due. And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That One Act of Assembly of this Province, made at a General Assembly held at the City of Annapolis the Twenty eighth Day of October, in the Year of our Lord Seventeen hundred and twelve, Intituled, An Act for Killing Squirrels, and every Article, Matter, Clause, and Thing therein contained, shall be, and is hereby utterly Repealed and made Void.

Pass'd November 14th 1713.

p. 70 An Act to restrain the ill Practice used by Sheriffs in taking Goods by Fieri facias, and selling them by Venditioni exponas.

Whereas many the good People of this Province have of late been greatly damnified and abused in their Estates by Sheriffs, who, upon Receipt of any Fieri facias, or Attachment issued out of the Courts of this Province, take, by Virtue of such Writs, great Quantities of Goods, more than will satisfie the Debt, Damages and Cost in such Writs mentioned, and keep them a long Time in their Custody, under pretence of want of Buyers; whereupon it often happens, upon the Return of the said Sheriffs, that Writs of Venditioni exponas are issued, commanding them to put the said Goods to Sale, which for the most part hath been done privately, and Goods of great Value have not been sold for the Tenth Part of their Value, to the great Loss of both the Debtor and Creditor, and to the Ruin of some Families; For the Prevention whereof for the future, and to ascertain a Way and Method whereby the Sheriffs of this Province may securely Act in Writs of the like Nature, more to the Benefit and Advantage of both Debtor and Creditor, Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the President, Council, and Assembly of this Province, and the Authority of the same, That from and after the End of this present Session of Assembly if any Writ of Fieri facias shall be delivered to any Sheriff of this Province, if the Defendant, where the Judgment is against him for his proper Debt or Cost, will upon Oath shew all his Personal Estate, or (where Judgment is rendred against him as an Executor or Administrator) shew all the Personal Estate of the Deceased, in his Hands unadministred, to the Sheriff or his Deputy, so that

the Sheriff may levy such Part thereof, as the Creditor or Plaintiff, or his Attorney in Fact or in Law, shall direct, such Sheriff shall, within Three Days at farthest, cause such Goods so taken to be appraised by Four substantial Freeholders of his County, Two of them to be named by the Plaintiff, or his Attorney at Law or in Fact, and Two by the Defendant, and who are neither of Kin to the Plaintiff or Defendant, Creditor or Debtor; who, upon their Oaths to be administred to them by the said Sheriff, shall indifferently and justly value and appraise the said Goods and Chattels so taken in Execution: And the Sheriff thereupon shall give Notice to the Creditor, or his Attorney at Law or in Fact, of the Value of the said Goods; and also at the most publick Places in his County give Notice, That, at a certain Day and Place by him to be appointed, not longer than Ten Days after such Appraisement, such and so many Goods of such Value are to be publickly sold; and the said Sheriff shall by way of Outcry sell the same to such Buyer as will give most for them, in part or in whole, not being less than what such Goods were appraised and valued at, as aforesaid: And if no Buyers offer at such Time and Place, it shall and may be lawful for the said Sheriff to deliver so much of the said Goods, as will amount unto the Debt and Cost in such Execution, or Writ of Venditioni exponas mentioned, to the Plaintiff, or his Attorney at Law or in Fact, in Discharge of such Debt and Cost: And the said Plaintiff or Creditor shall, and is hereby obliged to accept and take the same at such Appraisement and Value, as aforesaid, in Satisfaction of so much of his Debt, Damage, or Cost, as such Goods amount unto; and if any Creditor or Plaintiff, or his Attorney in Fact or Law, shall refuse or deny to accept and take the same, such Sheriff is hereby authorized and impowered to retain in his Hands, at such Plaintiff's or Creditor's proper Risque, so much of the said Goods, as will Satisfie the same, for such Plaintiff's or Creditor's Use, who shall pay to such Sheriff all Costs and Charges he shall be at in keeping and securing such Goods or Chattels; and the said Plaintiff or Creditor shall have no other Action against such Sheriff, than only for such Goods and Chattels so taken and retained, as aforesaid: And such Sheriff shall give a full and sufficient Discharge to such Debtor for so much of the Debt and Cost, as such Goods by such Appraisement shall amount unto, which shall be a sufficient Bar against such Plaintiff or Creditor, and perpetually bar and hinder him from taking out any other Execution against the Body, Goods or Chattels, Lands or Tenements, of such Debtor, whose Goods and Chattels, as aforesaid, have been taken in Execution, as aforesaid; Any Law, Statute, Usage, or Custom to the contrary notwithstanding.

Baskett

p. 71

Baskett Provided always, That nothing in this Act shall extend, or be construed to extend, to impower any Sheriff to levy, by Virtue of any Fieri facias for any Debt or Damage recovered against any Executor or Administrator, any Negro or other Slave, Plate or Jewels, reserv'd in Favour of Orphans by the Act for better Administration of Justice in Probat of Wills, and granting Administrations, &c but that the Sheriffs shall be, and are hereby obliged to follow the Directions of that Act touching such Negroes and Slaves, Plate and Jewels; Any thing in this Act to the contrary notwithstanding.

Pass'd November 14th 1713.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, June 2 to July 3, 1714.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss[t]

U. H. J. p. 882

At the Council in Assembly held at the City of Annapolis the 22[d] day of June in the 13th year of the Reign of our Sovereign Lady Ann of Great Britain France and Ireland Queen Defender of the Faith &c Annoq Domini 1714

Present

His Excellency John Hart Esq[r] her Majesty's Cap[t] General & Governour in chief in & over the Province of Maryland

The honble { Col Edward Lloyd, Col W[m] Holland, Col W[m] Coursey, L[t] Col Sam[l] Young } { Col Tho[s] Addison, Philem Lloyd Esq[r] and L[t] Col Rich[d] Tilghman }

This being the Day appointed for the meeting of the General Assembly being the third Session thereof M[r] Robert Tyler Col John Mackall L[t] Col Tilghman Ward and M[r] James Lloyd came from the House of Delegates to acquaint his Excellency there were a sufficient number of their members met to make up an house & were ready to receive his Commands

M[r] Philemon Lloyd & L[t] Col Richard Tilghman were sent to the Delegates to tell them His Excellency the Governour p. 883 in her Majestys name commanded M[r] Speaker and the members of the House of Delegates to attend him in Council

The said Gentlemen return & say they delivered their Message.

M[r] Speaker & the members of the House of Delegates came & attended his Excellency in Council, To whom he was pleased to make the following Speech

Gentlemen of the Assembly

The Province of Maryland depending entirely upon Trade It will naturally fall under your Consideration to Support and improve it by reviving those good Laws which are already made and by proposing such others as may Encourage the iudustrious planter to recover the great Losses he has sustained during the long Course of a consuming War.

The sad Effects of which are but too obvious in the ruin of

U. H. J. many Familys of this Province & has sensibly affected the Fortunes of much the greatest number of its Inhabitants

But thanks be to God! the pious Endeavours of our most excellent Queen and the indefatigable labours of her wise ministers are blessed with the Conclusion of an happy peace. Your Ships are now no more exposed to the Rapine of a foreign Enemy Your Trade is free & open so that if you are not wanting to your Selves you have a fair occasion of restoring
p. 884 this province to its former flourishing Condition, under the Influence of her Majesty's Auspicious Government and the direction of a ministry zealously disposed to cultivate the Arts of peace nor shall any thing be omitted on my part (with the Blessing of Providence) which may contribute to the Welfare & Interest of the Province whilst I have the Honour to remain in this Station which I owe to her Majesty's royal Bounty

Gentlemen, I am commanded by her Majesty to lay several Instructions before you relating to the good Government of this Province which I have committed to Writing & will send down to the House for their perusal

After which Mr Speaker and the members of the House of Delegates took leave & returned to their house.

His Excellency having caused the Several recommendations of her Majesty's royal Commands by himself designed to be laid before the House of Delegates to be read & communicated to the Board Viz.

By his Excellency the Governour
June the 22^d^ 1714

Gentlemen

I am commanded by her most Sacred Majesty in the first place to recommend to your Care the due Support & observance of Religion as by Law Established, that all Debauchery Drunkenness Swearing & Blasphemy may be discountenanced & punished and therefore if you have not Laws Sufficient to Suppress and prevent the like Immoralitys you may depend
p. 885 upon my ready Concurrence with you in such Measures as you shall advise may be conducing thereto, Nothing being more acceptable or agreeable to her Majesty's pious Inclinations than promoting the Honour & Service of Almighty God or likely to derive a Blessing on Yourselves and Posterity

Her Majesty has commanded me if It be not already done to recommend to you the passing of an Act of Assembly for restraining any inhumane Severitys by ill masters or overseers

towards their Christian Servants and Slaves And that pro- U. H. J.
vision may be made therein that the wilful killing of Indians & negros may be punished with Death and that a fit penalty may be imposed for the maiming them.

By this you will observe not only how extensive her Majesty's Care is, to the meanest of her poor Subjects but even to all others who are so happy as to come under any part of her Dominions and how extreamly she resents any such Barbaritys

Her Majesty requires me to recommend to you the raising Stocks and building publick Work Houses in convenient places for the Employment of poor indigent People which I cannot but believe is absolutely necessary not only to restrain idle vagabonds but to prevent their being burthensome to their Several Parishes or Countys

Gentlemen, I have it in Charge to recommend to you to raise such further supplys from Time to Time as may be Sufficient for defraying the necessary Charges of this her p. 886
Majesty's Government the want whereof may on the least Emergency be very prejudicial to the publick. You are very particularly Encouraged hereto by her Majesty's gracious permission & Direction that the accounts thereof are always to be laid before you. And to the End the Arms already in the Country and hereafter to be purchased for the use & defence thereof may be better preserved & kept ready fixed on all occasions of Service, Her Majesty commands me to recommend to your Care and Consideration that fitt Storehouses be Settled through the Province for receiving and keeping the Arms Ammunition and other publick Stores

In order to the better Administration of Justice It is her Majesty's pleasure I should recommend to you the passing a Law (if It is not already done) wherein shall be sett the Value of Men's Estates either Goods or Lands under which they shall not be capable of Serving as Jurors

I have it further in command from her Majesty to propose An Act to be passed in this Assembly whereby the Creditors of Persons becoming Bankrupts in the Kingdom of Great Brittain and having Estates in this Province may be relieved & Satisfyed for the Debts owing them

Gentlemen, I think it absolutely necessary I should acquaint you I am strictly enjoined by her most Sacred Majesty's royal Instructions not to pass any Law or do any Act by Grant p. 887
Settlem^{t} or otherwise whereby her Revenue may be lessened or impaired

I am further to acquaint you that whereas several Laws

U. H. J. have of late been passed in this her Majesty's province relating to protested Bills of Exchange to the relief of poor Debtors & which Laws have been injurious to the Property of her Subjects residing in Great Britain and which for the Reasons laid before her Majesty by the Right Honourable the Lords Comm[rs] of Trade & Plantations she thought fit to repeal

Her Majesty's will & Pleasure is that for the future I do not pass or give my assent to any Act of Assembly wherein the Property of her Majesty's Subjects residing in Great Brittain shall be any ways Concerned Unless there be an express proviso in the said Law that the same shall not be in force in this Province till after the Expiration of Eighteen months in time of War and twelve months in Time of Peace

To the End her Majesty's pleasure may be known upon such a Law before it be put in Execution here

They were unanimously thought fitt & Advised to be forthwith sent to the House which was done accordingly by Col Lloyd Col Holland Col Coursey Col Addison M[r] Lloyd & M[r] Tilghman who went and returned and said they had delivered their Message to the Speaker

M[r] Tyler and M[r] Hoskins brought from the House as followeth Viz.

By the House of Delegates

p. 888 June the 22[d] 1714

This House wanting a Clerk to Supply the place of M[r] Richard Dallam who since last Session of Assembly dyed make choice of Thomas Macnemara as Clerk of this House and humbly pray your Excellency's Approbation of him and that he may be qualified by taking the usual Oaths

Robert Ungle Speaker

Upon which his Excellency was pleased to ask the Board if they had any objections to the said Macnemara

They were not pleased to offer any Wherefore his Excellency directed L[t] Col Tilghman to go down to the House of Delegates & acquaint them he approves their Choice & wills them to present their Clerk in order to be qualifyed

L[t] Col Tilghman returns & says he has delivered his message

M[r] Tyler & Col Hoskins came from the Delegates and presented M[r] Thomas Macnemara to his Excellency to be qualifyed as Clerk of their House by taking the usual Oaths according to Law and making the requisite Subscriptions of the Test & Abjuration Oaths

And the said Oaths being administred to him by the hon- U. H. J.
ble Col Holland Chief Justice of the Provincial Court He took them at this Board in presence of the two Delegates af[d] Subscribed the Test and Abjuration and took the Oath of Clerk of the House of Delegates

After which the Board adjourned till ten of the Clock to morrow morning

Wednesday June the 23[d] 1714 p. 889

The Council Sate Present as yesterday

The Honble Col Tho[s] Ennalls Col Tho[s] Greenfield John Hall Esq[r] & John Dorsey Esq[r] members of her Majesty's Council of this Province came & took the Several Oaths appointed by Law and Signed the Abjuration Oath & Test and afterwards took the Oath of Councellours in this Province & then were added to the Board

Ordered that the Treaty of peace Navigation and Commerce with Spain be published after the most Solemn Manner

The Board adjourned for two Hours

Post Meridiem

The Council Sate Present as in the morning

Then his Excellency laid before them a certain Act of Assembly lately made in the Colony of Virginia Entituled an Act for preventing frauds in Tob[o] payments and for the more Effectual improving the Staple of tobacco. Which [was] read to them & the deliberate Consideration thereof was by his Excellency recommended to the Council and whether It may not be fitt to propose such a Law to the Consideration of the Assembly

L[t] Col Tilghman Ward & nine more of the Delegates brought from their House the following answer to his Excellency's Speech Viz.

To his Excellency John Hart Esq[r] Cap[t] General & Gov- p. 890
ernour in chief of her Majesty's Province of Maryland

May it please Your Excellency

We the Delegates of this Province now convened in a general Assembly return your Excellency our most humble & hearty thanks for the compassionate Concern you are pleased to express at the misfortunes we have lain under in respect to Trade and for your Excellency's so tenderly recommending to us the consideration of a remedy

U. H. J. It is a great Satisfaction to us that your Excellency is an Eye Wittness to the Lowness of that Ebb which this poor province in its Circumstances is reduced to And that you are pleased to take such particular notice of it. Our Deplorable Condition being known We hope the Speedier Relief from that Majesty that never yet denyed her royal Aid to any of her suffering subjects that implored it

Her Majesty's prevailing Endeavours in the procuring that peace that has removed so many Burthens from our Trade justly claims the most hearty and sincere Acknowledgments can be made from dutiful & Loyal Subjects to the best of Princes, But yet we fear (so far have we been influenced by the War) that without our Sovereign's more particular Grace and favour extended to us we shall not be able by any Endeavours of our own to recover our lost Circumstances nor prevent the total Ruin of this tob° trade, being our only Staple

We shall always pay a Strict regard to her Majesty's royal
p. 891 Instructions & shall readily and cheerfully apply ourselves to the observance of them.

We heartily congratulate your Excellency's safe Arrival here and acknowledge our Utmost Obligations to her Majesty for favouring us with your Excellencys Administration under whose Governm^t^ We assure ourselves of being an happy people

Signed p order of the House of Delegates
June the 23^d^ 1714. T Macnemara Cl

To which his Excellency was pleased to return the following answer

Gentlemen,

I am much obliged to you for the kind sense you express in the Concern I bear for the Sufferings of this Province in the decay of Trade

Her Majesty who has unspeakable Tenderness for the Prosperity of her Subjects will never be wanting on her part for your speedy Redress

Your dutiful Expressions in relation to your ready Compliance with her Majesty's Instructions is the Effect of the prudent & Loyal temper of your House which will always render good Subjects grateful to the best of Queens

I am much Obliged to you for the Opinion you conceive of me and will employ my utmost Efforts to be useful in my Administration

June 22^d^ 1714 John Hart

The honble Col Lloyd Col Holland L[t] Col Addison M[r] Philemon Lloyd and Cap[t] John Dorsey are appointed to carry to the Delegates his Excell[s] Reply to the Address to himself from their House U. H. J.

The Board Adjourned till Eleven of the Clock to morrow morning p. 892

Thursday June the 24th 1714

The Council in Assembly Sate

Present

His Excellency the Governour &c

Col Lloyd	M[r] Philemon Lloyd
Col Holland	Cap[t] John Dorsey
Col Coursey	and
L[t] Col Young	L[t] Col Tilghman

The Board being informed that the House of Delegates were risen Ordered the following Message to be sent to that House by L[t] Col Addison

By the Council in Assembly
June the 24th 1714

Gentlemen,

Finding your House rose pretty early this morning We desire you to lett us know at what Time you intend to sitt & rise during this Session (unless on extraordinary Affairs happening) that we may the more readily conform Ourselves for the speedier Dispatch of publick Business

Signed p order W Bladen Cl Coun.

The Board adjourned till three of the Clock post Meridiem

The Council Sate Present as in the morning except Col Tilghman who had leave to be absent on his particular Affairs

M[r] James Stoddert & Cap[t] Henry Trippe brought from the House of Delegates Viz.

By the House of Delegates
Thursday 24th June 1714.

Finding the Hour we rose at yesterday to be inconvenient for the better expediting the Countrys Business We resolved to sitt during this Session at eight in the forenoon and continue sitting till Eleven and from one in the Afternoon till six to which We pray your Honour's Concurrence p. 893

U. H. J. We pray your Honour's Excuse in not giving your Board an earlier Account of this Resolution

Signed p order Thos Macnemara Cl Ho Del.

Which being read and considered resolved that the Board Sitt every morning about nine of the Clock till Eleven and from two in the Afternoon till five.

And thereupon Ordered that the following Message be sent to the Delegates

By the Council in Assembly
Iune the 24th 1714

We approve of your Resolution as to your sitting and rising during this Session and have agreed to give our Attendance as near as may be conformable thereto

Signed p order W Bladen Cl Coun.

Sent by Captain Dorsey

His Excellency is pleased to acquaint the Board that whereas Mr Robert Bradley one of her Majestys Justices of the Provincial Court has desired his favour to be dismissed from such his Office

In the first place he desires their Advice whither It is not fitt He should by Letter acquaint the Right Honble the Lords of Trade & Plantations with the said Mr Bradleys Request

Secondly who may be fitt to Supply his place in that Court

p. 894 The said Questions are further referred for Answers thereto

The Petition of King and Queen Parish being read & It being observed to be addressed & directed to his Excellency the Governour and Council and house of Delegates such Direction is thought improper, for that when a petition is designed to be offered to the House of Delegates It ought to be directed thither, and when to his Excellency in Council to be immediately so addressed without joining the Delegates or any Other Body therein.

Ordered the Petition lye upon the Table

Mr Hoskins & Eleven other members brought from their House Viz.

By the House of Delegates
Thursday June 24th 1714

To his Excellency John Hart Esqr Capt General & Governour in chief of her Majesty's Province of Maryland &c.

May It please your Excellency U. H. J.

We the Delegates of this province now convened in a General Assembly have taken into Consideration the Instructions to which your Excell's Speech at the opening of this Session referrs, do with unfeigned hearts return your Excell^{cy} our thanks for the Zeal & religious Care you express for the Support & Observance of our Religion as by Law Established, Which we humbly are of opinion is provided for as far as our Circumstances will admitt by several Acts of Assembly of this Province and more particularly by an Act Entituled an Act for p. 895 the Service of Almighty God and Establishment of Religion in this Province according to the Church of England &c

We also beg leave to acquaint your Excell that we are humbly of opinion that there are Sufficient Laws already provided for the punishment & discouragem^{t} of all Drunkness Debauchery Swearing & Blasphemy if put in due Execution by the Several Magistrates of this province and we assure your Excellency this House will at all times be very thankful to your Excellency if upon just complaint you do remove any Justice of the peace that shall fail in his Duty therein, or committ any Breach of them, and are assured that your Excellency's Declaration thereon and good Example (of which we cannot have the least Grounds to doubt) will very much tend to effect what your Excell^{cy} & we so much desire.

We likewise are with submission to acquaint your Excellency that (sincerely acknowledging the most princely & tender regard Mercy and moderation of her Majesty towards all her Subjects & all others seeking Refuge in her Kingdoms or Dominions) There is a Law already made for restraining Severity to Servants and Slaves whereby the Justices of the Provincial & County Courts of this Province are impowered in a Summary manner to hear and determine Complaints between Masters & Servants by Way of Petition to give Judgem^{t} & award Execution but we intend to inspect into the same & if We find or are informed by your Excell^{cy} that it is any way deficient shall revise & amend it.

We further represent to your Excellency that a Sufficient p. 896 and charitable Provision is already made by Several Acts of Assembly of this Province for the support of such Persons as are Objects of Charity whereby the Justices of the several County Courts of this province who are the Assessors of the several County Levys are impowered to allow them a reasonable Support

And that we find that Vagabonds are so much discountenaced by them that we are troubled with few or none of such

We further beg leave to assure your Excellency that we always have and shall be ready to raise such supplys from

U. H. J. time to time as may be Sufficient for defraying the necessary Charges of this Province. And It is our firm resolution that nothing shall be wanting in us necessary to obviate any Emergency that may happen having the Assistance of her Majesty's Favour and permission that we may enquire & Examine how such Supplys are raised

With your Excellency's favour We beg leave to assure you that some Provision is already made for the Preservation of the Arms already provided for the defence of this Province And that we shall be ready to make a further Provision if It shall be thought necessary. And we cannot be so much wanting to ourselves as not to own her Sacred Majesty's princely regard of us in recommending this particular (a thing that so nearly concerns us) to your Excell as a part of your Instructions, It being our Desire and should be of all those that love
p. 897 the preservation of Liberty & Property to live under her auspicious and pious Government so long as God Will permitt

We also humbly desire that your Excellency will please to be informed that there is such provision already made for the summoning of Jurors in order for the Administration of Justice as the Circumstances of the people will at present admitt of by an Act Entituled an Act for causing Grand & petite Jurors & Witnesses to come to the Provincial & County Courts. And that there is a Sufficient Provision already made for the relief of Creditors or Persons becoming Bankrupts in Great Brittain and having Effects in this Province by an Act Entituled an Act for the Relief of Creditors in England against Bankrupts who have imported any Goods into this Province not accounted for which is in full force

And further that this House never intended to propose any Law for the lessening any part of her Majesty's Revenue but could wish their Abilitys were such and their Inclinations should not be wanting to augment it.

And we further assure your Excell that we shall at all times yield such obedience to her Majesty as becomes Loyal Subjects to so good & gracious a Queen and are entirely Satisfied that her Majesty's good & pious Inclinations towards us are such That she will at all times maintain to us & those we represent such Rights & Libertys as any of her Subjects have & Enjoy

Signed p order Thoˢ Macnemara Cl Ho Del.

His Excellency communicated to the Council two of her
p. 898 Majesty's Royal Instructions Viz the 28th & 29th Articles Which being read at the Board were ordered to be registered in the Council Proceedings & are as follows

And whereas several Inconveniencys have arisen to our Governments in our Plantations by Gifts and Presents made to our Governours by the Assemblys It is our express Will and Pleasure That neither you our Governour Lieut[t] Governour Commander in chief President of our Council of our Province of Maryland for the Time being do give your or their Consent to the passing of any Law or Act for any Gift or present to be made to you or them by the Assembly And that neither you or they do receive any Gift or present from the Assembly or others upon any Account or in any manner whatsoever upon pain of our highest Displeasure and of being recalled from that our Governm[t] Excepting that Whereas there is no House appointed or sett apart by us for our said Governour & the Assembly of our province having upon the Arrival of John Seymour Esq[r] our late Governour there passed an Act for raising a further Revenue of 3[d] ℔ hh[d] on Tob[o] exported as an Additional Allowance to him for his maintenance during his Government over & above his Ordinary Allowance Out of the Duty of two Shill ℔ Hh[d] on Tob[o] Exported, We are pleased to permitt the Assembly to repass the like Act for your better maintenance as also assign you an House or Rent for the same Provided the said Act be passed and House or Rent assigned to you for an unlimitted time or during your Continuance in that Government U. H. J.

And We further do direct and require that this our Royal Will and Pleasure be communicated at their first meeting after your Arrival and Entered in the Registers of our Council & Assembly, that all Persons whom It may concern may govern themselves accordingly. p. 899

His Excellency was likewise pleased to communicate and sent the two aforegoing Instructions to the House of Delegates by Col Edward Lloyd Col Thomas Ennalls L[t] Col Samuel Young Col Tho[s] Greenfield Philemon Lloyd Esq[r] Col Addison & John Dorsey Esq[r] who return & say they delivered the same

Then the Council Adjourned until nine of the Clock to morrow morning

Fryday the 25th June 1714

The Honble her Majesty's Council in Assembly Sate

Present

His Excellency the Governour &c

The Honble	Col Edward Lloyd	Col Tho[s] Greenfield
	Col W[m] Holland	Col W[m] Whittington
	Col W[m] Coursey	Philemon Lloyd Esq[r]
	Col Ennalls	and
	L[t] Col Young	John Dorsey Esq[r]

U. H. J. Mr Robert Tyler and thirteen more members of the House of Delegates brought from their House a Bill for Settling a Revenue on her Majesty's present Governour And the following Message Viz

By the House of Delegates
Friday 25th June 1714

May It please your Excellency

Having considered the Instructions your Excellency Sent to this House yesterday & finding her Royal Majesty the
p. 900 Queen has been graciously pleased to admitt us to make a present to your Excellency of 3d ꝑ Hhd on all Tobo Exported out of this Province during your Administration here, with all Alacrity and Affection we lay hold of this opportunity of making you that present not questioning but your Excellencys Administration among us will be easy just & answerable to the Gracious Designs of her Majesty the true Pattern of Piety Justice & mercy and conformable to the Laws of the Land.

We shall take that part of the Instruction relating to an House or Rent into our further Consideration

Signed ꝑ order Thos Macnemara Cl ho Del.

The afd Bill was Endorsed by Especial Order of the House.

Read the first & second times and being again Read & Endorsed thus. This Bill being read in Council the first & second Times by especial order will pass the Words ready mony being made Sterl mony for that there is no Advantage redounding to the Freighter in this province by the Masters Choice to pay the Duty in Currency We being always charged Sterl by the Merchants. Nor is your Present now of Equal Value with what It was to Col Seymour Coin not being then advanced. Was with the Endorsement Sent to the Delegates by Col Holland Col Coursey Col Ennalls Saml Young Esqr & Capt Dorsey together with the following Return from his Excellency to the House of Delegates on their presenting him the afd Duty of 3d ꝑ Hhd on all Tobo Exported Viz.

Annapolis the 25th June 1714

Mr Speaker—

p. 901 I am extremely obliged with the ready Compliance the Gentlemen of the Assembly have shewed to her Majesty's permission of allowing me your free Gift of 3d ꝑ hhd on all Tobaccos Exported.

Your Pleasure of giving it me during the Time of my Government cannot but be very Grateful to me and I will En-

deavour on my part that you will never repent so signal a favour U. H. J.

John Hart

The Board adjourned 'till three of the Clock in the Afternoon

Post Meridiem

The Council State Present as in the morning with the Addition of Col Ennalls

Mr Robert Bradleys Request being again taken into Consideration the same is thought a Sufficient reason to grant he may be dismissed from being a Justice of the Provincial Court Especially upon his Petition exhibited to his Excellency therefore.

The Petition of Mr Philip Lee Mercht being read as follows

Prince George's County June the 27th 1714

To his Excellency John Hart Esqr her Majesty's Capt General & Governour in chief And to the Honble her Majesty's Council of Maryland

The Petition of Philip Lee of Prince George's County Merchant

humbly setteth forth—

That Whereas the said Philip Lee by one Obligation bearing Date the first day of July Anno 1713 did become bound unto our Sovereign Lady the Queen in the full sum of five hundred pounds Lawful mony of England for the faithful discharge of p. 902 all the just dues that did arise on Account of Sundry Tobaccos of the Growth of this Province exported in the Ship Mary Thos Richardson Commander which dues afd your Petitioner was then ready (as He hath been ever since) to render to the Officers of her Majesty's Customs here who have refused to demand or receive the same by which means your Supplicants Bond is still lodged in the Naval Office of Patuxent in full force against your Petitioner and his Heirs which may redound to the prejudice of him and therefore your Petitioner in most dutiful Manner requesteth your Excellency and her Majesty's honble Council Seriously to reflect and consider this Affair and give such favourable directions to her Majestys Officers as may discharge your Petitioner (he paying lawful Dues) from his said Bond, & he will ever pray

Philip Lee

His Excellency says he has wrote particularly about this

U. H. J. matter to the Governour of Virginia and desires the Answer to this petition may be referred till he hears from that Government

The Right Honourable the Lord Proprietary's Interest being concerned in this Petition Mr Charles Carrol his Lordship's Agent had notice to offer what he had to say in this matter who informed his Excellency and the Board that while the Lord Proprietor had the Government in his Hands, Ships that came from Virginia with Tob^o^ there Laden on board them
p. 903 did not use to pay any Dutys here for those Tobaccos, but having heard the Virginians have obliged Ships who have taken part of their loading in this Province to pay Dutys for that Tobacco again in Virginia tho he cannot instance the particular Cases, he knows not how this Government can prevent their so doing; unless by using the Laws of Retaliation; But as the Governm^t^ are equally concerned in this matter as well as his Lordship shall be willing to abide by what the Governm^t^ shall do therein

His Excellency is pleased to say if that Governm^t^ does wrong, It is no rule for this to walk by

The Council adjourned till nine of the Clock to morrow morning

Saturday the 26th June 1714

The Council in Assembly Sate

Present

His Excellency the Governour

The Honble { Col Edward Lloyd, Col Thos Greenfield, Col Wm Holland, Col Wm Whittington, Col Thos Ennalls, Lt Col Thos Addison, Lt Col Saml Young, Philemon Lloyd Esqr, John Dorsey Esqr }

Mr Garrett & five more Delegates brought up a Bill for reviving an Act of Assembly of this province Entituled an Act for relieving of the Inhabitants of this Province from some Aggrievances in the prosecution of Suits at Law read in their House the first & second times by Especial order & Endorsed will pass

p. 904 The said reviving Bill being read at the Board and Ordered that the Act for relieving the Inhabitants of this Province from some Aggrievances in the prosecution of suits at Law (Read in their House the first and second Time by especial Order & Endorsed will pass) be read at the Board

Which was done Verbatim, Clause by Clause, And his Ex-

cellency was pleased to ask the Council if they apprehended U. H. J.
anything therein prejudicial to any of her Majesty's Subjects
in Great Brittain

They say they cannot conceive that any thing therein can be of Prejudice to any of her Majesty's Subjects in Great Brittain. But that there seems to be a great Inconveniency in the s^d^ Law as It now stands. For that if the Creditor has his Debtor's Obligation for two hundred & fifty pounds, & all is paid but a Sum under twenty pounds Now by the Words of this Law the Plaintiff if he sues in the Provincial Court will be non Suit the just debt being under twenty pounds in mony, & so in Tob^o^ and if he sues in the County Court which have not Jurisdiction above £100 Sterl or 30000^l^ tob^o^ It will not take Cognizance thereof so that the Creditor therein is wholly without remedy

Wherefore the Question was put whither the reviving Bill should pass or that the Act should be revised with a proper Clause added to Supply the af^d^ Defect in Justice

Wherefore It was recommended to the Delegates to revise the s^d^ Law and add a Supplementary Clause and the Bill being so Endorsed was sent to the House by Lt Col Young p. 905
& Lt Col Addison

Then was read at the Board Viz

The humble Representation of the Clergy of Maryland concerning the State of the Province, the Church thereof in answer to certain Questions proposed by his Excellency the Governour to them

May It please your Excellency

We the Clergy of the Church of England in the Province of Maryland return your Excell our unfeigned Thanks for this signal proof of your Excellency's Care for the Church & in obedience to your Commands present you with a View of our Parishes and Churches as perfect as possibly we could Every one of us applying his own Care of Each of your Excellency's Proposals And upon the Whole we find that according to the Tenour of—

Article 1st That God Almighty is duly served throughout this Province according to the Book of the Common Prayer in every Parish where there is an Incumbent every Sunday and in many Every holiday. The Blessed Sacrament is administred according to the Rights of the Church of England. There are in most Parishes a Sufficient Number of churches It were to be wished the Parishioners would take a little better Care to put some in better order & Decency Glebes are

U. H. J. Various in some very good, in some very bad in some none at all. We cannot but aver that most of our Parishes have but a very bare Competency which we are ready to make out by Enumerating particulars & appealing to your Excellency the Honble Council and all the World.

p. 906 We beg your Excellency's Leave to add a Word concerning Library's that It is commonly received by many in England and particularly the Honble Society for propagating the Gospel in foreign parts there is a Library in every Parish yet we find by careful Computation that there are Parishes in this province that neither had nor have a Library

Article 2d Every Minister is Principal Vestry man in his Parish

Article 3d We know of none that administer in the sacred Office of the Church without Orders And for your Excellency's full Satisfaction we are ready to produce our Ministerial Letters. Some of us who live most remote from this City pray your Excellency would depute any of your honble Council to inspect them.

Article 4th. We do all profess with one Voice that we have a due Sense of the Lord Bishop of London's Ecclesiastical Jurisdiction here And we will ever do all we can to promote the same as long as It shall please God to continue him to us

Article 5th. The Case of Schools is very bad, Good Schoolmasters are very much wanting, What we have very insufficient And of their being qualified by the Bishop of London's or Governours Licence It hath been entirely neglected

Artic 6th There is a Table of Marriages in every Church and there is a severe Law to prevent incestuous marriages

p. 907 To the 7th and last Article which truly we regard as of the utmost Consequence in Religion we say we have and shall use our best Endeavours in the Exercise of our Functions to discountenance the Sin of Drunkness Swearing and Blasphemy and We pray your Excellency to enjoin the civil Magistrates to see the wholsome Laws of this Province Executed in order to suppress them more Effectually.

To conclude we hope your Excellency will not take it amiss if we add that we humbly think the Penalties anexed to some Laws against certain sins particularly the sin of Fornication too light to Suppress the Sin and that your Excellency would be pleased to propose to the Honble House of Delegates that they would Seek an Expedient against the damnable Sin of Poligamy too rife in this Province

We have appointed a certain number of us to wit Mr Henry

Hall Mr Thomas Cockshutt Mr Henry Nicholls & Mr Jacob U. H. J.
Henderson to consult affairs

And are with due respect

Your Excell's humble Servants

Henry Jennings	Jacob Henderson
William Tibbs	Thos Cockshutt
Thos Bailee	Joseph Colebatch
Robert Scott	Jonathan White
Henry Hall	Alexander Frazier
Alexr Williamson	Jonathan Cay
Richd Sewall	Wm Machonchie
James Williamson	Robert Owing

Christopher Wilkinson p. 908
J. Danielson
Danl. Mainadier
Henry Nicholls

The Council Adjourned till three of the Clock in the Afternoon

Post Meridiem

The Council Sate

Present

The Honble	Col Lloyd	Col Whittington
	Col Coursey	Col Addison
	Col Ennalls	Mr Philemon Lloyd &
	Lt Col Young	Capt Dorsey

His Excellency thinks fitt to recommend to the Assembly to consider of the Bill lately passed in Virginia for the Improvemt of their Staple of Tobo there and whither such a Law may not be advantageous to advance ours

Col Whittington took the Oaths appointed by Law and Subscribed to the Test & Abjuration Oath. He likewise took the Oath of a Councellour & was added to this Board

The following Message together with the Bill therein mentioned sent to the Delegates by all the Gentlemen of the Council now present Viz.

By the Governour & Council in Assembly
June the 26th 1714

Mr Speaker

The Bill now laid before you for your Consideration is an Act passed in Virginia for the Encouragement of the Tobo Trade, And there being several useful Paragraphs in the said

U. H. J. p. 909 Bill which may have relation to the improving the Tobaccos of this Province & preventing the Frauds of designing men who have not the General Good of this Province at Heart, It is thought fitt by the Govern^{r} & Council to recommend it to your Perusal

Signed p order W Bladen Cl Coun.

The Board adjourned till Monday Morning half an hour after nine of the Clock.

Monday Iune the 28th 1714

The Council in Assembly Sate

Present

His Excell John Hart Esqr Governour in Chief

The Honble	Col Edward Lloyd	Col Addison
	Col Wm Coursey	Philemon Lloyd Esqr
	Col Ennalls	John Dorsey Esqr
	Col Thos Greenfield	and
	Col Whittington	Lt Col Richd Tilghman

His Excellency acquaints the Board he has it in Command from her Majesty to enquire whither the 3^{d} p Hh^{d} appropriated for purchasing Arms for the Defence of this her Province has been expended therefore, What Arms and Ammunition are now in the Province & how they have been disposed of

His Excellency is informed by the Board that her Majesty's Receivers of Patuxent & Potowmack Districts are the proper officers who receive that Duty & will when he commands them lay the Account before his Excellency

Ordered that John Rousby and John Dansey Esq^{rs} her Majesty's said Receivers lay before his Excellency the Gov-
p. 910 ernour in Council the Account of the 3^{d} p Hh^{d} for Arms by them received since the Death of Governour Seymour

Further his Excell is pleased to enquire what monys have since the Death of his late Excell Govern^{r} Seymour been raised for defraying the publick Charges of the Province & how the same has been disposed of

The Council acquaint his Excellency that all the mony raised therefore is accounted for to the General Assembly and by them allowed for defraying the publick Charge as by the Accounts thereof in the Secretarys Office may appear

His Excellency enquires what Sallarys are allowed to her Majesty's Council, The Justices of the Provincial Court, the Delegates & Burghesses of Assembly & the Justices of the County Courts

And thereupon was informed that the several Sallarys and Allowances are ascertained by an Act of Assembly made therefore U. H. J

His Excellency is pleased to ask if Justice be well administred in the Several County Courts and whither some of those Courts have not delayed to dispatch the Causes before them; Is told there have not been any Complaints of that Kind save of one or two County Courts in the whole Province

His Excellency proposes to the Council whither It may not be fit a Letter be wrote from this Board to the Several County Courts to certifye to his Excellency what Causes are depending before them and why they are not Expedited

Which is thought very reasonable & Ordered that such Letters be wrote p. 911

His Excellency is further pleased to propose whither It may not be reasonable the Clerks of the Several County Courts in this Province should not be obliged once in the year to send his Excellency Copys of the Judgments and Proceedings of their Courts

The Board do think if the County Clerks send Copys of their Doggetts It may suffice with the reason of their Several Continuances & of their Adjournments contrary to the Settled Times appointed by Act of Assembly

It being offered at the Board that tho the common Law of England is generally received in this Province yet Several Statutes of England which may be very beneficial in this Province are often denyed to be of Authority with us The s[d] Statutes not particularly including her Majesty's Plantations by expresly mentioning them

His Excellency says he believes It may be very advisable to write to their Agent in England to have the Opinion of some of the Queen's Council & of others eminent in Law what Statutes are in force in this Province

Col Ennalls requests the favour of his Excell and this Board that he may have leave to go home on very urgent Affairs— which was granted him

The Council adjourned till half an hour after three in the Afternoon

Post Meridiem

The Council Sate Present as in the morning with the Addition of Col Holland

Ordered that Col Holland & L[t] Col Young carry the following message to the House of Delegates Viz. p. 91

U. H. J. By his Excellency the Governour and Council in Assembly
June 28th 1714

We think fit to recommend to you that whereas sundry Statutes of that part of her Majesty's Kingdom of Great Brittain called England have been found very useful & beneficial within this her Majesty's Province of Maryland both in Causes Civil & Criminal And for that It has been often observed that many of the afd good & beneficial Statutes of England not being local, but seeming General, have some times been asserted as Law and at other Times denyed as such as well by the Lawyers in this Province as the several Courts where they have been pleaded & offered, Which renders the Laws in this Province very dubious & uncertain, Whither It be not absolutely necessary the several Courts should be well informed how to give their Judgmt upon the sd Statutes and therefore if It be not advisable your House should join with this Board to state this matter & direct our Agent to procure the opinion of some of her Majestys Council & other Eminent Lawyers whither the sd Statutes of England are in force within this Province or not to the End her Majestys Subjects here may know by what Rule they walk & the Several Courts of Law how to render their Judgments thereon

Signed p order W Bladen Cl Coun.

Mr Garrett & five more brought from the House of Dele-
p. 913 gates a Bill for relieving the Inhabitants of this Province from some Aggrievances in prosecution of Suits at Law.

By especial Order read in the House of Delegates the first & second times & Endorsed will pass

Which said Bill was read at this Board.

The Petition of Philemon Lloyd Deputy Secretary of this Province Charles Carrol Esqr & other Agents & Attornys in Fact for divers of her Majestys Subjects in Great Brittain read praying to be heard against the Bill for relieving the Inhabitants from some Aggrievances in the prosecution of Suits at Law

Ordered thereupon that the Petitioners be heard to the said Bill to morrow morning at Eleven of the Clock

Mr Garrett and five more Delegates brought the Engrossed Bill for Settling a Revenue on her Majesty's present Governour.

Read & assented to by the House of Delegates Which was read & assented to by her Majesty's honble Council

The Council adjourned till ten of the Clock to morrow morning

Thursday June the 29th 1714 U. H. J.

The Honble her Majesty's Council Sate in Assembly Present as Yesterday

Mr Tyler and three more of the Delegates brought up the following answer from their House to the Proposal made yesterday that our Agents should procure the opinion of some of her Majesty's learned Council at Law and two other Eminent Lawyers whither the Statutes of England which are not local but seem General are in force in this Province or not Viz. p. 914

By the House of Delegates
June the 29th 1714

To his Excellency the Governour & Council in Assembly

We are of Opinion your Message of the 28th Inst by the Honble Col Wm Holland and Col Samuel Young is a thing worthy of our Consideration. But as we are desirous to put an End to this Session the Time of year being very inconvenient for revising our Laws, And that we believe the Examining the Statutes of England will require more time than our urgent Occasions att present will admitt us to bestow upon it have referred the same to the Consideration of the next Sessions of Assembly to which we pray your Excellency's & Honour's Concurrence

Signed p order M Macnemara Cl Ho Del.

In answer whereto the following Message was prepared

By the Governour & Council in Assembly
June the 29th 1714

Gentlemen—

Upon reading your answer to our message of the 28th June by Col Holland and Lt Col Young relating to some Statutes of England we have reason to believe you have misconceived our proposal therein. By which we did not offer to you that this General Assembly should Concert what Statutes should be in force here. But that the Question should be Solely Stated to the Lawyers in England to know whither the said Statutes should be in force here or not they being often Asserted as Law & very often denyed Which introduces very great Doubts & Confusion in the Courts of Justice here.

We do agree with your House that the Time of the year p. 915 doth not well admitt you to be long absent from your respective Habitations and therefore shall readily concur with you in the Speedy Conclusion of this Session

Signed p order W Bladen Cl Coun.

U. H. J. Ordered that this Message lye upon the Table

The Board adjourned till half an hour after three of the Clock in the Afternoon

Post Meridiem

The Council in Assembly Sate Present as in the morning

And the Petition of Philemon Lloyd Esq[r] Deputy Secretary of this Province Charles Carrol Esq[r] Attorny in fact for divers Merchants and others in Great Brittain Amos Garrett Merch[t] Thomas Macnemara Wornell Hunt & Tho[s] Bordley Practitioners of the Law in this Province being read at the Board praying to be heard against the Bill for relieving the Inhabitants of this Province from some Aggrievances in the prosecutions of Suits at Law

Ordered thereupon that the Petitioners be heard to the said Bill to morrow morning at nine of the Clock.

The Council Adjourned till nine of the Clock to morrow morning

Wednesday June the 30th 1714.

The Council in Assembly Sate

Present

His Excellency the Governour, &c.

The Honble { Col Edw[d] Lloyd, Col W[m] Holland, Col W[m] Coursey } { L[t] Col Sam[l] Young, Col W[m] Whittington, L[t] Col Tho[s] Addison }

p. 916 Philemon Lloyd Esq[r]
Cap[t] John Dorsey &
L[t] Col Richard Tilghman

The Petitioners against the Bill for Easm[t] of the Inhabitants in the Prosecution of Suits at Law being heard, And first M[r] Charles Carrol urged that the Scope of the Bill infringed the Prerogative in Limitting the Jurisdiction of the Provincial Court

That It takes from the power Majesty has granted to his Excellency the Governour to Erect Courts here

That the Inconveniencies in applying to the County Courts for Justice are very great & many

First there is a great Gap for partiality in admitting Causes to be tryed in the County Courts amongst the Debtors Relations and Friends

That the Attornys practising in the County Courts are not

to be defended upon, nor the Judgements of those Courts, U. H. J.
being generally Erroneous

That thô the Law has been once sent to England and nothing offered against it yet the Trade is visibly Attacked by this Bill, For that after the Merchants have created Debts in this Province they must be obliged to employ twelve Agents Viz. one in every County of the Province to attend the several County Courts.

He further objected that It was a lessening of the Practice of the Lawyers in the Provincial Court and consequently a Discouragement to Learning

That the Jurisdiction of the County Courts was already too large & whither It might not be advisable to lessen it. p. 917

Mr Thos Bordley one other of the Petitioners speaking against the Bill proposed offered that the Inconveniencies intended or Expected to be remedyed by this Law might as well be otherwise Effected The Principal one obliging Persons sued personally to appear at the Provincial Courts being now remedyed by the Act for taking Special Bail in the Counties And if people were arrested out of the Countys where they lived they might bring Habeas Corpus & be remanded to their own Countys

He gave some Instances that the Attornys of the County Courts nor the Judgements of those Courts were to be depended on

That the Act of Limitation being so short often barred the Action before a due prosecution could be made in the distant County Courts

That the lessening the Practice of the Lawyers in the Provincial Court was a great discouragem^t^ to Learning in this Province and of Vast prejudice to the Attornys practising in that Court.

Then the Honble Philemon Lloyd Esqr Deputy Secretary of this her Majesty's Province Standing up at the Board to this Effect, That it was not the Fees or Costs of Suit Expended in the Provincial Court but the Debts People lay under that obliged them to leave their Habitations and desert the Province. So that their being sued in the Provincial Court where they were only put to some few hundred pounds of Tob^o^ more in Cost of Suit was not the Aggrievance, therefore hoped if the Allegations in the Bill are not found true his Excellency p. 918
and this Board will not consent to lessen the Jurisdiction of the Provincial Court wherein he conceives her Majesty's Prerogative is concerned

And insisted on the Constitution of England that the Juris-

U. H. J. diction of the County Court is very low there because men of power often sway the inferiour Court

L[t] Col Macall & thirteen other Members of the House of Delegates brought the following Message Viz.

By the House of Delegates
June the 30th 1714

We finding that the Intent of our present of 3[d] ꝑ Hh[d] to your Excellency will in a great measure be eluded the Ships loaden with Tob[o] daily departing this Province if the passing the same into a Law should be deferred, Pray your Excellency to appoint us a Time to attend your Excellency with a Bill for Settling a Revenue on her Majesty's present Governour to see your Excellency give the Assent on behalf of her Majesty

Signed ꝑ order Tho[s] Macnemara Cl Ho Del.

Which being read and considered his Excellency the Governour wrote the following Letter to the Speaker of the House of Delegates

M[r] Speaker

Be pleased to acquaint your House that I desire their attendance at three of the Clock this Afternoon in Order to see the Royal Assent given to the Bill of three pence ꝑ hh[d]

I am S[r] Your most humble Serv[t]

John Hart

p. 919 Sent by Col Lloyd Col Coursey Lt Col Young Col Addison & Col Tilghman.

M[r] James Lloyd and five more Delegates brought up the Engrossed Bill for Settling a Revenue on the present Governour with the following Message Viz.

By the House of Delegates
June the 30th 1714

To his Excellency the Governour & Council in Assembly

In complyance with your message of yesterday by the honble Col Edward Lloyd Col W[m] Coursey & Col Samuel Young we send your Excellency the Bill for settling a Revenue on her Majesty's present Governour

Signed ꝑ order Tho[s] Macnemara Cl Lo Ho.

The Petition of Peter Sewell of Calvert County read & referred to further Consideration

The Council Adjourned till half an hour after two of the Clock in the Afternoon U. H. J.

Wednesday Post Meridiem

The Honble her Majesty's Council in Assembly Sate

Present

His Excellency the Governour

Col Edwd Lloyd	Col Wm Whittington
Col Wm Holland	Lt Col Addison
Col Wm Coursey	Philemon Lloyd Esqr
Lt Col Saml Young	Lt Col Richd Tilghman
Col Thos Greenfield	John Dorsey Esqr

The Speaker and Members of the House of Delegates came & attended His Excellency the Governour in Council and Mr Speaker presented to his Excellency a Bill for settling a Revenue on her Majestys present Governour Which was by his Excellency assented to on behalf of her most Sacred Majesty and Sealed with the great Seal of this Province in presence of the s^{d} Speaker and Delegates after which they took Leave & repair'd to their House p. 920

Mr Roger Woolford & twelve more of the Delegates brought from their House a Bill for Limitation of Officers Fees Endorsed by their House

June 29th 1714

Read the first & second time by especial Order and will pass

The Title of which being read It was ordered to lye on the Table

The Bill for relieving the Inhabitants of this Province from some Aggrievances in the prosecution of suits at Law being read at the Board, His Excellency is told that the Bill is not a new Bill but only revised at this Time And hath been transmitted some years since to her Majesty and the Lords Comm^{rs} of Trade & Plantations And nothing has ever been by the s^{d} Lords objected against it

The honble Philemon Lloyd Deputy Secretary desired to be heard thereto and offered that It was a prejudice to the Secretary's Office in restraining the Jurisdiction of the Provincial Court.

But the Bill intending a publick Good to the Inhabitants of this Province & not being prejudicial to any of her Majesty's Subjects in Great Brittain It having been first put to the Vote was Ordered to be thus Endorsed—

U. H. J. p. 921 Read in Council & will pass with the following Amendments instead of above one hundred pounds Sterl or 30000 of Tob° it be expressed 20 lb Sterl or 5000 ½ tob° but above 200 tob° or sixteen shillings & Eight pence Currency And adding the Words and give Judgm^t^ for the just Ballance with Costs of Suit And then sent to the Delegates by the Honble Col Lloyd Col Holland Col Coursey Lt Col Young & Col Whittington.

The Bill for Limitation of Officers Fees read at the Board. And being debated Tis thought if this Bill should pass & the Officers Fees be reduced as thereby is proposed It will not only discourage men of good Learning Integrity and parts to accept of some of the inferiour Offices therein mentioned but also lessen and debase the State & Dignity of the superiour officers who in their several Stations are most useful in this Province either in the Administring of Justice or Execution thereof And ought to be handsomely supported according to their Several Characters not only for the sake of their own meritt and Capacity but the Honour of the Government itself whereof they are the immediate ministers

Therefore this Board cannot agree to the Bill but desire the former Law may be revived with the explanatary Act thereto, His Excellency the Governour and this Board inclining not only to Support and Encourage such Officers as diligently and faithfully discharge their Dutys but likewise to suppress & punish those that are any ways guilty of Bribery, Extortion,
p. 922 Negligence or any other unfaithful Misdeameanours in the Execution of the Several Offices & Trusts reposed in them according to the utmost severity of the Law

Which being prepared by way of Message was sent to the House by Col Coursey Col Whittington & Capt Dorsey

The Board adjourned till Nine of the Clock to morrow morning

Thursday July the first 1714

The Honble her Majesty's Council in Assembly Sate Present as yesterday

Col Macall and seven more bring up the Bill for reviving and continuing the Act for ordering & regulating the militia Endorsed

Read the first & second Times by especial order and will pass

Which being read at this Board resolved It do pass and being so Endorsed was sent to the House by Col Addison and Col Tilghman

The Petition of Mr Thos Macnemara read praying the Clause omitted in the Bill now proposed for the Relief of the Inhabitants from some Aggrievances in prosecution of Suits at Law relating to Attorneys Fees may be inserted in the Bill U. H. J.

Resolved the sd Clause be recommended to be inserted and the Petition being so Endorsed was sent to the House by Col Whittington

The Board adjourned till half an hour after three in the Afternoon

Post Meridiem

The Council Sate Present as in the morning P. 923

And the message resolved by this Board to be sent to the House on Monday last being again read and approved was sent to the Delegates by Col Holland & Col Greenfield.

Mr Tyler and seven more brought up a Bill reconciling Differences in relation to the Bounds of Land within this Province and for settling the Bounds thereof, Endorsed

By the House of Delegates

Read the first & second time by especial Order and will pass

The said Bill being read at the Board His Excellency and her Majesty's honble Council are of Opinion that the matters in the Bill contained are of the utmost moment The property of all her Majesty's Subjects being concerned therein & worthy the most mature Consideration of the General Assembly Which we do not believe the present time will admitt of, And therefore do think fitt to refer the further Consideration of this Bill to the next Session of Assembly

The said Bill being so Endorsed was sent to the House of Delegates by Col Addison Mr Philemon Lloyd Capt Dorsey and Col Tilghman.

Mr Tyler and five more brought up the Bill for Limitation of Officers' Fees, Endorsed

By the House of Delegates
July the 1st 1714

If your House will peruse the Journal of Assembly held in 1709 you will find therein that your Honours were pleased to promise readily to join with us in regulating the Officers fees on the Arrival of a Capt General. The Fees in many particulars are exorbitant and tend to the Oppression of the people P. 924

We are humbly of opinion that the Fees in this Bill Limitted considering the multiplicity of Business are sufficient

U. H. J. decently to Support as well Judicial as ministerial Officers, therefore pray the Bill may pass

Signed p order Thos Macnemara Cl Lo Ho.

Which Bill with the Endorsment thereon being read and Considered and the Several Fees Examined This Board cannot think they are any ways Exorbitant considering the little Advantage the several Officers for many years have, and are still like to make of their Tobaccos.

Wherefore It was put to the Question whither this Board will recede from their former opinion on this Bill communicated to the Delegates or not

And Resolved that this Board do not think fit to recede therefrom, But recommend that the former Law for limitation of Officers' Fees with the explanatory Act thereto be revived

The said Bill being so Endorsed was sent to the Delegates by Col Coursey Col Young & Capt Dorsey

On Consideration of Peter Sewell of Calvert County's Petition Mr Charles Carrol being called before the Board to know if he had any thing to offer why the Petitioner having lain three years in the County Goale should not be relieved by this Assembly

p. 925 The sd Mr Carrol acquaints the Board that he is Attorny in fact for Capt John Hyde of London Merchant and for the Assigns of the Commission of Bankrupt against Wm Lone of London Mercht to whom the Petitioner owes about forty pounds as likewise the like sum of forty pounds to the said Capt Hyde

Resolved nemine Contradicente & ordered that It be a Standing Rule at this Board that when any Person is called before his Excellency & this Board to give them Satisfaction to any Questions proposed to them, Such Persons shall only answer directly to the Questions proposed without offering any thing further

The Board adjourned till to morrow morning at Eight of the Clock.

Friday July the 2d 1714

The Council Sate

Present

His Excellcy the Governour

The Honble	Col Edwd Lloyd	Col Wm Whittington
	Col Wm Holland	Lt Col Thos Addison
	Col Wm Coursey	Philemon Lloyd Esqr
	Lt Col Saml Young	Capt John Dorsey &
	Col Thos Greenfield	Lt Col Richd Tilghman

Col Hoskins & three more brought up the following Mes- U. H. J.
sage from the House Viz.

By the House of Delegates
July the 2^{d} 1714

We agree that our answer to your Message of the 28th June by Col Holland and Col Young was not Categorical, but the matter therein being of great Concern to the Country, p. 926
And that mature Consideration is requisite for instancing the particular Statutes we have thought fit to refer it to the Consideration of the next Session of Assembly to which we pray your Excellency's & Honours' Concurrence

We return your Excell^{cy} and Honours our hearty thanks for expressing your Willingness to bring this Session to a Speedy Conclusion

Signed p order Thos Macnemara Cl Ho Del.

The said Gentlemen also brought up a Bill for laying an Imposition of three pence p Hh^{d} on Tob^{o} for defraying the publick Charge of this Province

Read in their House the first & Second times & will pass

Which being by especial Order read the first & second times at this Board It was considered that by the Act for Advancement of Coyns all Dutys & Impositions for defraying the Country's Charge are to be collected and paid in Currency. So that It may be fitt to add to the first Clause of the Bill the Words Any Law Usage or Statute to the contrary nothwithstanding

And further It is recommended that the Bill be only temporary as for the three years or till the End of the next Session of Assembly after the three years with which Amendments the Bill will pass

And being so Endorsed was sent to the House by Col Addison and Mr Philemon Lloyd.

Mr James Lloyd and three more brought up two Engrossed p. 927
Bills Viz.

A Bill reviving the Act of Assembly for the better ordering & regulating the Militia of this province. Read & assented to by the House of Delegates which was read & assented to by this Honble Board and sent to the Delegates by Col Holland & Mr Philemon Lloyd.

The said Gentlemen also brought up the Bill for relieving the Inhabitants of this Province from some Aggrievances in the prosecution of Suits at Law

U. H. J. And It being observed that the Delegates had not taken any notice of the Recommendation from this Board on Mr Thos Macnemara's Petition on behalf of himself and other Gentlemen practising the Law in this province by inserting the Clause relating to the Attorny's Fees in the County Court in any Action above ten pounds Sterl,

Resolved the following Message be sent to the House. Viz.

By the Council in Assembly
July the 2d 1714

This Board did yesterday upon the Petition of Mr Thos Macnemara on behalf of himself & the other Gentlemen practising the Law in this province recommend to your House in favour of the Petitioner and the other Gentlemen of that Profession that a former Clause in the Act for relieving the Inhabits of this province from some Aggrievances in the prosecution of Suits at Law relating to Attorneys fees in the County Courts should be again inserted in the present Bill
p. 928 proposed, And are concerned to find your House have not taken any Notice of that Recommendation which we think proper to be inserted

Signed p order W Bladen Cl Coun.

The Council adjourned till three of the Clock in the Afternoon

Post Meridiem

The Council Sate Present as in the morning

Mr St Leger Codd & Mr James Macall bring up a Bill for reinvesting Mary & Ann Seward Daughters & Coheiresses of Wm Seward late of Dorchester County decd Son and Heir of George Seward formerly of the sd County in a certain Tract of Land in Dorchester County called Secter

Endorsed Read in their House the first and Second Times & will pass

The said Bill being read at the Board, The petition of Major Thomas Hicks was also read praying to be heard by his Council thereto which was granted

Mr James Lloyd and five more bring up the following Message

By the House of Delegates
July the 2d 1714

May It please your Excellency

As her sacred Majesty out of her great Grace and princely Regard of us has been pleased to order that the Sum of 3d

part of an Imposition of twelve pence ꝑ hhd paid and Settled by Act of Assembly on Tobo to be exported out of this province on her Majesty for support of Government should be employed for purchasing Arms and Ammunition for the Defence of this Province, And having also out of her princely favour given us leave to require the Accompts of the same and all other Supplys to be granted to be laid before us, We humbly pray your Excellency to order the Several Officers concerned in the receipt and Application of the sd 3d ꝑ Hhd to lay their Accompts of the same before this House next Session of Assembly. We believe that upon that Account a considerable sum will be found due to the Publick. And pray your Excellency will agree to apply part thereof for building such publick Store Houses throughout the Province as shall be thought necessary for the more safe keeping the publick Arms & Ammunition of the same, Which we are humbly of Opinion is agreeable to her Majesty's Directions & gracious permission for Application of the same. U. H. J. p. 929

We have already Ordered a Store House to be built in the City of Annapolis which is to be finished by the first day of October next for the publick Arms and Ammunition of this Province not distributed among the several Countys of the same

Signed ꝑ order Thos Macnemara Cl Ho Del.

Which being read & considered by this Board the Request of the House of Delegates is thought very reasonable And therefore Resolved & Ordered that her Majesty's Receivers of the District of Patuxent and Potowmack lay the whole Accounts of the 3d ꝑ hhd appropriated by her Majesty for purchasing Arms and Ammunition for the defence of this Province before the next Session of Assembly p. 930

Further Resolved that his Excellency and the Board are inclinable that some part of the Revenue afd of 3d ꝑ hhd appropriated for purchasing Arms & Ammunition may be applyed towards the Building publick Store Houses in the several Countys where necessary

As to the publick Store House for Arms &c. agreed to be built of Wood in this City His Excellency is desirous It should not be further proceeded on till some proposals are made to the next Session of Assembly relating thereto.

His Excellency is pleased with the Advice of this Board to order & direct that all the publick Arms in the Several Countys be got together & hung up in the respective County Court Houses and thereupon the following Message was sent to the House of Delegates Viz.

U. H. J. By his Excellency the Governor & Council in Assembly
July the 2d 1714

Your message this Afternoon by Mr James Lloyd and five others of your members has been read and Considered at this Board and your request therein is thought very reasonable

Wherefore his Excellency has been pleased to give orders to her Majesty's Receivers to lay the whole Accounts of the 3d ꝑ hhd appropriated for the purchasing Arms & Ammunition
p. 931 for the Defence of this Province before your House at the next Session

And further his Excellcy & this Board do resolve & are
p. 932 inclinable some part of the sd Revenue of 3d ꝑ hhd appropriated as afd may be applyed towards the Building publick Storehouses for preserving the Arms and Ammunition in the Several Countys where necessary

But as to the Store House agreed to be built in this City his Excellcy desires It should not be further proceeded on till the next Session of Assembly when some further Proposals will be made relating thereto

Sent by Col Whittington & Lt Col Tilghman

Lt Col Ward and nine more brought from the House a Bill for reviving the Act for Limitation of Officers Fees and the following Message Viz.

By the House of Delegates
July the 2d 1714

We are much concerned that your Honours do insist so much for inserting a Clause relating to the Attornys' ffees in the Bill for relieving the Inhabitants of this province from some Aggrievances in prosecution of Suits at Law Since It passed your Board with some Amendments as your Honours may see by your Journal of the 30th of June wherein you never mentioned the said Clause

This House is desirous to avoid Multiplicity of Messages as tending very much to the Delay of Business and therefore desire your Honours to assent to the sd Bill being now before your Board

Signed ꝑ order Thos Macnemara Cl Ho Del.

Which being read and considered ordered the following Message be sent to the House of Delegates Viz.

By the Council in Assembly
July the 2d 1714 U. H. J. P. 933

We do own that the Multiplying of Messages tends very much to the Delay of Business. We are sorry We have any Occasion thereof which would have been prevented had you taken Notice of the Recommendation sent you in favour of the Attornys practising in the County Courts immediately after the Amendments to the Bill proposed and even before they were debated in your House.

The merchants in England may justly complain that for want of due Encouragement given such Attornys they cannot find fit persons to prosecute their Actions in such Courts wherefore we must insist upon the Clause recommended to be added which is the only delay given to the Bill

Signed p Order W Bladen Cl Coun.

Sent by Col Coursey & Col Greenfield

The Bill reviving the Act of Assembly of this province Entituled an Act for Limitation of Officers fees and for supplying some defects therein being read & debated It is remarked that the Explanatory Bill thereto is omitted to be revived .

It is thought the Fee proposed to the Sherriff for keeping a Prisoner twenty four hours in Custody is too little therefore It is recommended that the Sherriff be allowed 20 lb tob° p day for the first month & 10 lb a day after And that the Sherriff may have fees from Convict Criminals, but that no such Sherriffs Fees be charged to the Countys

Recommended that the Fees likewise to be allowed the Clerk of the Council in Assembly by this Board on private Bills be also on Execution with the Clerk of your House p. 934

The penalty of six thousand pounds of tobacco is thought sufficient to deter any Officer from Extorting & the Disabling them from Executing their Offices for three years is a Snare any honest Officer may happen even by the Inadvertance of a Clerk to fall into Wherefore we desire the sd Amendments may be made to the Bill which being so Endorsed was sent to the Delegates by Lt Col Young & Col Addison.

Mr Stoddert & five more Delegates brought up a Bill for laying 3d p hhd on Tob° for defraying the publick Charge

Read & Assented to by their House Which was read and assented to by this Board and sent to the Delegates by Col Holland & Mr Lloyd

The sd Mr Stoddert & other five Delegates brought up the following message

U. H. J.

By the House of Delegates
July the 2d 1714

May It please your Excellency

This House intended to take into Consideration that part of her Majesty's Instructions relating to an House or Rent laid before this House the 24th June, but finding the Shortness of the time will not admitt effecting what we desire And being assured your Excellency is willing to bring this Session to a speedy Conclusion by reason of the unseasonable time
p. 935 of year and of our pressing Occasions to return to our Habitations have referred the further Consideration thereof to the next Session of Assembly And then hope to do therein what will be to your Excellency's Satisfaction and pray your Excellency's Concurrence thereto

Signed p order T: Macnemara Cl Ho Del.

Which being read his Excellency was pleased to say he was Satisfyed therewith and directed the Honble Col Lloyd and Col Holland to go to the House & acquaint them that his Excellency concurs with the sd Message from the House of Delegates

The Petition of Mr Thos Reynolds of Ann Arundel County being read praying that upon the expiration of the Sherriffs Office of that County his Excellency would be pleased to grant him a Commission therefore

The sd Petitioners Request upon the good Character of him given his Excellency by several Gentlemen of the Council is granted

The Board adjourned till Eight of the Clock to morrow morning.

July 3d

The Council in Assembly Sate Present as yesterday

The Petition of Mr Philip Lee being again taken into Consideration, Resolved the Petitioner pay Dutys for the Tobacco Shipped in this Province but that no Dutys ought to be paid for the Tobo Shipped in Virginia and ordered that this Resolve be communicated to the respective Naval Officers in this Province

p. 936 Lt Col Matt Tilghman Ward & three more Delegates brought up the following Message Viz.

By the House of Delegates
July the 3d 1714

May it please your Excellency

This House not to be wanting in their Duty towards the People of this Province whom we represent humbly shew your

Excellency that the People of this Province have been very much Oppressed by means of the matters contained in the Reports from the Committee of Aggrievances hereto annexed Which we pray your Excellency to consider We have such proofs of your Excell$^{cy's}$ Justice that we doubt not but those Aggrievances will meet with a Speedy Redress U. H. J.

Signed p order Thos Macnemara Cl Ho Del.

By the Committee of Aggrievances
July the 2^{d} 1714

We find in the Journal of the House of October Assembly 1709 that the following Aggrievances Amongst sundry Others were Offered

It was then reported & resolved by the House as an Aggrievance that Several places of proffit within this Province were in the hands of one person which Offices would be better Officiated & Business better done & sooner dispatched if the places were in the Hands of Several persons and be sufficient to maintain them besides It is a great discouragem^{t} to the several Inhabitants of this Province who are well qualifyed for such places that Persons less deserving & not qualifyed according to Law hold places of proffitt and many times one person Several Offices p. 937

Also It was then reported to and resolved by the same House as an Aggrievance that places of Trust & Proffitt, especially the Sherriffs Office had then been Sold to such persons as would give most mony or Tob^{o} for them, Whereby Several Persons have been commissionated that are very uncapable and not qualifyed and of too mean Capacitys and Estates to Execute & perform their Dutys and Offices, And the Inhabitants much thereby aggrieved and Oppressed and very Slender Securitys given for performing their Offices whereby great Losses have and were then likely to happen to her Majesty's Subjects within this Province

Which were then unanimously resolved by the House to be Aggrievances and thereupon a Conference was prayed by the House that some Members of her Majesty's honble Committee might join with some members of that House to consider of a proper Method to redress them. And thereupon a Conference was accordingly appointed who as to the two Aggrievances above mentioned reported as follows Viz.

As to what relates to one person holding several Offices It was the opinion of the Conferees that if any person hold the Chancellours Office the Commissary Generals Office the Secretary's Office the Sherriffs Office or Clerk of the County Courts

U. H. J. Office together with any other Office or place of proffitt beside It is an Aggrievance and that the House of Delegates should address the Council Board to redress it as far as in them lyes

p. 938 And as to that which relates to the Sherriffs & others buying Offices the Conferees then agred It was a great Aggrievance And It was then the Opinion of the Conferees that for the future the Justices of the County Courts in March Court before the Sherriffs time expires shall nominate two or three persons for Sherriffs out of which the Governour & Council should appoint one for sherriffe.

We further humbly report to the House that those two seem to be the only Aggrievances amongst all that were then Offered that now require Redress Both which we are of opinion are still Aggrievances to the Province. And It is further Offered as an Aggrievance to this Committee that for want of an Effectual Redress of that which relates to the Sherriffs who are as it were the several County Treasurers & on whose Credit & good Demean^{r} depends the Credit & Interest of all those that Act in publick Stations as well as of all the other Inhabitants of the Province, And which therefore calls for a most Speedy & Effectual Redress

There have happened very great Burthens and Inconveniencies to many of the Countys in this Province particularly to Ann Arundel County from whom It has been offered that the present Sherriff has farmed or made over the proffitts of his Office contrary to the form of the Statutes of England in such Cases provided that he is very dilatory & Slack in payments And refuses to accept notes drawn upon him by those that

p. 939 have publick Allowances in his Hands unless he has a Sallary or Gratuity for so doing which no other Sherriffe in Maryland has ever yet been known to scruple, And has generally made those concerned with him for Tob^{o} so uneasy with him in his payments that the price of all publick or County Allowances of tobacco in his Hands has been much lessened to the great Damage of all the Inhabitants but especially the poor Pensioners

That tho the Act of Assembly limitts the Continuance of Sherriffs to three years and no longer yet by such clandestine Secret underhand practices the same person continues Sherriff in all respects but Title for many years together and by that means continues his uneasiness to the People.

All which things we find tend very much to the lessening the publick Credit & the Esteem of tob^{o} & amount to a great Aggrievance

And we further humbly offer that those things which have been so long since found Aggrievances and yet remain unre-

dressed cannot be otherwise than such now And that there- U. H. J.
fore some Redress ought to be sought for

All which foregoing Premisses we refer to the House for their Consideration thereof

Signed p order John Beale Cl Comm.

Which being read at the Board resolved the Consideration thereof be referred 'till the next Session of Assembly

And thereupon the following Message was sent to the House Viz.

By the Council in Assembly p. 940
July the 3d 1714

Gentlemen—

Your message with the Report of the Committee of Aggrievances being read at this Board the Consideration thereof is referred to the next Session of Assembly

Signed p order W Bladen Cl Coun.

The said Gentlemen also brought up the Bill for reviving the Act for Limitation of Officers fees & Supplying some Defects therein

Mr Tyler and five more brought up the following Message Viz.

By the House of Delegates
July the 3d 1714

This House being desirous to keep a good Correspondence with your Honours and to End this Session with the like good temper It was opened Pray your Honours to appoint some members of your Honble Board to join in a Conference with some members of this House about inserting the Clause relating to Attornys Fees where the Demand Exceeds ten pounds or two thousd pounds of Tobo in the Bill for relieving the Inhabitants of this province from some Aggrievances in the prosecution of Suits at Law

Signed p order Thos Macnemara Cl Ho Del.

Whereto the following answer was sent to the House

By the Council in Assembly
July the 3d 1714

This Board have agreed to the Conference upon the Subject matter proposed by your House & when you let us know what members of your House you appoint on that Conference, p 941

U. H. J. And the Time & Place when & where to meet we shall direct some of our members to join with you in Conference

Signed p order W Bladen Cl Coun.

Sent by Col Coursey and Col Addison

The Bill for reinvesting Mary & Ann Seward in a Tract of Land called Sectar is referred to the next Session of Assembly this Board not having leisure at this time to consider thereof

And the Bill for reviving the Act for limitation of Officers Fees and for Supplying some Defects therein, And also reviving another Act of Assembly of this Province Entituled an Act explaining some doubtful Expressions in the Act for Limitation of Officers' fees, being read with the Amendm^{ts} thereto, Resolved the said Bill do pass with the Amendments and being so Endorsed was sent to the House by Mr Tyler

Mr Tyler & five more brought up the following Message Viz.

By the House of Delegates
July the 3^{d} 1714

This House have appointed Mr Robert Tyler Col Philip Hoskins Capt Daniel Mariartee Major Roger Woolford Capt Thos Trueman Greenfield & Captn Richd Colegate to join some members of your Board in a Conference about the Subject Matter and are ready to meet those to be appointed by your Board at the house of Mr John Dodd

Signed p order Thos Macnemara Cl Ho Del.

p. 942 Ordered that the Honble Col Holland Lt Col Young and Col Richard Tilghman immediately go upon the Conference upon the Subject matter proposed, who immediately went.

The Board adjourned till three of the Clock in the Afternoon

Post Meridiem

The Council Sate Present as in the Morning

Col Holland Lt Col Young & Lt Col Tilghman present the Report relating to County Court Attornys' Fees

At a Conference held at the House of Mr John Dodd the 3^{d} day of July 1714 to confer & consider what fees shall be allowed to the several Attornys practising in the Several

County Courts of this Province in all Actions that exceed ten pounds Sterl or two thous^{d} pounds of tob^{o} U. H. J.

Present

Of her Majesty's Honble Council

The honble { Col Wm Holland
Col Samuel Young &
Col Richard Tilghman

Of the House of Delegates

Mr Robert Tyler	Mr Thos Trueman Greenfield
Col Philip Hoskins	Mr Roger Woolford &
Mr Danl Mariartee	Capt Richd Colegate

Who made Choice of Col Wm Holland for their Chairman & Edmond Benson for their Clerk.

And then proceeded to the Matters given them in Charge, which being fully debated & considered we humbly report our opinion as follows

That all Attornys practising in the Several County Courts of this Province shall have for their fee in any Case where the real Debt sued for or the Ballance recovered exceeds the sum of ten pounds Sterl or two thous^{d} pounds of Tob^{o} the sum of two hund^{d} pounds of tob^{o} And that any Attorny practising in the s^{d} Courts that shall refuse to prosecute or defend the Cause of any Person or Persons making Application to any Attorny of the s^{d} Courts unless before retained having the s^{d} Fee paid or secured to be paid him or that shall ask receive or demand in any such Action by any Colour or pretext whatsoever more than the s^{d} Fee shall forfeit & pay the sum of five hundred pounds of Tob^{o} one half thereof to our Sovereign Lady the Queen for the support of Governm^{t} the other half to him or them that will sue for the same to be recovered by Action of Debt Bill Plaint or Information thereafter to be suspended his Practise in the s^{d} Court for & during one whole year. p. 943

We are further humbly of opinion that a Clause relating to the above Premisses be added to the Bill for reviving the Act for Officers' Fees which we humbly refer to your Honour's Consideration

Signed p order Edmond Benson Clk.

The same Report was brought from the Delegates by Mr Tyler and five others and Endorsed by the House of Delegates.

U. H. J. July the 3d 1714

Read & debated & approved of by this House

And being Endorsed by the Council

p. 944 July the 3d 1714

This Board do agree to and approve of the within Report,

It was sent to the Delegates together with the Bill for relieving the Inhabitants from some Aggrievances, by Col Holland & Lt Col Young.

Mr Hill and three more present the Journal of the Committee of Accompts which was perused & assented to by the Council.

The sd Gentlemen brought up the following Message

By the House of Delegates
July the 3d 1714

May it please your Honours

The place of Treasurer of the Eastern Shoar being Vacant by the Death of Thos Smithson Esqr late Treasurer there we out of the great respect justly due to Robert Ungle Esqr our Speaker from us, have Nemine Contradicente chose him to Supply that Place to which we desire your Honours Concurrence He giving good security of a good performance of the same.

Signed p order Thos Macnemara Cl Ho Del.

To which the following Answer was sent by Col Coursey & Lt Col Young Viz.

By the Council in Assembly
July the 3d 1714

His Excellcy the Governour and this Board do Approve of your Choice of Robert Ungle Esqr to be publick Treasurer of the Eastern Shoar in the room of Mr Thos Smithson decd the sd Mr Ungle giving good security for the discharge of his Trust

Signed p order W Bladen Cl Coun.

p. 945 The Petition of Edward Wright of Dorchester County read & referred to the next Session of Assembly

Mr Hill & Mr Garrett bring up the Bill for reviving the Act

for Limitation of Officers fees which was read & assented to by this Board & Sent to the House by Col Greenfield U. H. J.

The Engrossed Bill for relieving the Inhabitants of this province from some Aggrievances in the prosecution of Suits at Law was read & assented to by this Board & Sent to the House together with the Journal of the Committee of Accompts, Assented to by this Board & sent to the House by the Honble Col Wm Holland

Major Sprigg brought up the proposed Letter of the House of Delegates to their Agent which was read at the Board and approved and being so Endorsed was sent to their House by Col Addison.

Lt Col Tilghman Ward & Mr James Macall came from the House of Delegates to let his Excell^cy^ know their House have nothing before them but wait his Commands

Col Lloyd & Col Young sent to the Delegates to tell them his Excell commands them to attend him in the Council Chamber to see the Laws assented to

Advised & Resolved the General Assembly be prorogued till the fifth of October next.

Mr Speaker & the Delegates came & attended his Excellency in Council & presented the four following Bills Viz.

An Act reviving and continuing an Act of Assembly of this Province Entituled an Act for ordering and regulating the Militia of this province for the better Security & defence thereof and for supplying some defects therein p. 946

An Act reviving a certain Act of Assembly of this Province Entituled an Act for Limitation of Officers fees & for supplying some Defects therein & also reviving another Act of Assembly of this Province Entituled an Act explaining some doubtful Expressions in the Act for Limitation of Officers fees

An Act laying an Imposition of 3^d^ p hh^d^ on tob^o^ for defraying the publick Charge of this Province

An Act for relieving the Inhabitants of this province from some Aggrievances in the prosecution of Suits at Law

Which being Sealed with the great Seal used in this Province in the presence of the members of her Majesty's honble Council & House of Delegates his Excellency on behalf of her most Sacred Majesty assented thereto.

After which his Excellency declared that with the Advice of her Majesty's Honble Council He thought fit to prorogue this General Assembly till the fifth day of October next to which time they were accordingly prorogued

Thus Ended this Session of Assembly 3^d^ July 1714.

William Bladen Cl Coun.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, June 22 to July 3, 1714.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss.

L. H. J. Lib. 41 p. 429

At a Sessions of Assembly begun and held at the City of Annapolis in Ann Arundel County on Tuesday the twenty second Day of June in the thirteenth Year of the Reign of her Majesty Queen Anne of Great Britain &c[a] Annoq. Dom. 1714 appeared in the House of Delegates (his Excellency John Hart Esq being Governor)

The Honourable Robert Ungle Esq. Speaker

Saint Mary's County
Captain Henry Peregrine Jowles
Captain Thomas Trueman Greenfield
M[r] Kenelm Chisseldine
M[r] William Watts

Kent County
M[r] Daniel Pearce
M[r] Edward Scott
M[r] S[t] Leger Codd

Somerset County
M[r] John Purnell
M[r] Thomas Purnell

Calvert County
Col[o] John Mackall
M[r] James Mackall

Charles County
Col[o] Philip Hoskins
M[r] Walter Storey
M[r] John Fendall
Col[o] James Smallwood

Queen Anne's County
M[r] Solomon Wright
M[r] Charles Wright
M[r] John Whittington

Talbot County
Col[o] Matthew Tilghman Ward
M[r] James Lloyd
M[r] Thomas Robins

Ann Arundel County
Captain Daniel Mariartee
M[r] Joseph Hill

City of Annapolis
M[r] Amos Garrett
Captain Thomas Docwra

Dorchester County
Captain Henry Trippe

Prince George's County
M[r] Robert Tyler
Major Thomas Sprigg
M[r] Thomas Brooke Jun.
M[r] James Stoddart

Baltimore County
Captain Richard Colegate

By the House of Delegates
June 22nd 1714

Ordered That M[r] Tyler M[r] John Mackall, M[r] Matthew Tilghman Ward and M[r] James Lloyd go and acquaint his Excellency the Governor that a sufficient Number of Members to make a House is met.

They return and say they delivered their Message

This House wanting a Clerk to supply the place of M[r] Richard Dallam who since last Sessions of Assembly dyed p. 430

L. H. J. Lib. 41 make Choice of Thomas Macnemara as Clerk of this House and humbly pray his Excellency's Approbation of him and that he may be qualified by taking the usual Oaths

Ordered that Col° Hoskins and Mr Tyler acquaint his Excellency the Governor therewith

They return and say they delivered their Message.

The Honourable Philemon Lloyd Esquire and Col° Richard Tilghman from the Honourable Council entred the House and acquainted the Speaker that his Excellency commands him and the House to attend him immediately in the Council Chamber

The House having waited on his Excellency in the Council Chamber return and say his Excellency was pleased to make the following Speech Viz.

Gentlemen of the Assembly

The Province of Maryland depending entirely upon Trade it will naturally fall under your Consideration to support and improve it by reviving those good Laws which are already made and by proposing such others as may encourage the industrious Planter to recover those great Losses which he has sustained during the long Course of a consuming War, The sad Effects of which are but too obvious in the Ruin of many Families of this Province and has sensibly affected the Fortunes of much the greatest Number of it's Inhabitants. But Thanks be to God the pious Endeavours of our most excellent Queen and the indefatigable Labour of her wise Ministry are blessed with the Conclusion of a happy Peace. Your Ships are now no more exposed to the Rapine of a foreign Enemy, your Trade is free and open, so that if you are not wanting to yourselves you have a fair Occasion of restoring this Province to it's former flourishing Condition under the Influence of her Majesty's auspicious Government and the Directions of her Ministry zealously disposed to cultivate the Arts of Peace.

Nor shall any Thing be omitted on my Part with the Blessing of Providence which may contribute to the Welfare and Interest of the Province whilst I have the Honour to remain in this Station which I owe to her Majesty's Royal Bounty.

Gentlemen, I am commanded by her Majesty to lay several Instructions before you relating to the good Government of this Province which I have committed to writing and will send down to your House for your Perusal.

Col° Edward Lloyd, Col° Wm Holland, Col° Wm Coursey, Col° Thomas Addison, Philemon Lloyd Esqr and Col° Richard

Tilghman from the Honourable Council enter the House and deliver Mr Speaker the following Instructions from his Excellency the Governor which were ordered to be entered as follows Viz. L. H. J. Lib. 41

By his Excellency the Governor &c^a^
June 22^d^ 1714

Gentlemen,

I am commanded by her most Sacred Majesty in the first Place to recommend to your Care the due Support and Observance of our Religion as by Law established: That all Drunkenness, Debauchery, Swearing and Blasphemy may be discountenanced and punished; and therefore if you have not Laws already sufficient to suppress and prevent the like Immoralities you may depend on my ready Concurrence with you in such Measures as may be conducing thereto; nothing being more acceptable or agreeable to her Majesty's pious Inclinations than promoting the Honour and Service of Almighty God or likelier to derive a Blessing on yourselves and Posterity. Her Majesty has commanded me if it be not already done to recommend to you the passing of an Act of Assembly for the Restraining of any inhumane Severities which may be used by ill Masters or Overseers towards their Christian Servants and Slaves; and that Provision may be made therein that the wilful Killing of Indians and Negroes may be punished with Death and that a fit Penalty may be imposed for the maiming of them. By this you will see how extensive her Majesty's tender Care is not only to the meanest of her poor Subjects but even to all others who are so happy as to come under any Part of her Dominions, and how extreamly she resents any such Barbarities. p. 431

Her Majesty requires me to recommend to you the raising of Stocks and building of publick Workhouses in convenient Places for the employing poor indigent People which I cannot but believe is absolutely necessary not only to restrain idle Vagabonds but prevent their being burthensome to their several Parishes or Counties.

Gentlemen, I have in Charge from her Majesty to recommend to you to raise such further Supplies from Time to Time as may be sufficient for defraying the necessary Charges of this her Government, The want whereof may upon the least Emergencies be very prejudicial to the Public. You are very particularly encouraged hereto by her Majesty's gracious Permission and Direction that the Accounts thereof are always to be laid before you. And to the End that the Arms already in the Country or hereafter to be purchased for the Defence

L. H. J. Lib. 41 thereof may be better preserved and kept ready fixt upon all Occasions of Service her Majesty commands me to recommend to your Care and Consideration that fit Store Houses be settled throughout the Province for receiving and keeping the Arms Ammunition and other publick Stores in Order to the better Administration of Justice.

It is her Majesty's Pleasure I should recommend to you the passing a Law (if not already done) wherein shall be set the Value of Mens Estates either in Goods or Lands under which they shall not be capable of serving as Jurors.

I have it further in Command from her Majesty to propose an Act to be passed in this Assembly whereby the Creditors of Persons becoming Bankrupts in her Kingdom of Great Britain and having Estates in this Province may be relieved and satisfied for the Debts owing them

p. 432 Gentlemen, I think it absolutely necessary I should acquaint you that I am strictly enjoined by her most Sacred Majesty's Royal Instructions not to pass any Law or do any Act by Grant Settlement or otherwise whereby her Revenue may be lessened or impaired without her especial Leave or Command therein. I am further to acquaint you that whereas several Laws have of late been passed in this her Majesty's Province relating to protested Bills of Exchange to the Relief of poor Debtors &c[a] which Laws were injurious to the Property of her Subjects residing in Great Britain; and which for the Reasons laid before her Majesty by the Right Honourable the Lords Commissioners of Trade and Plantations they thought fit to repeal,

Her Majesty's Will and Pleasure is that for the future I do not pass or give my Assent to any Act of Assembly wherein the Property of her Majesty's Subjects residing in Great Britain shall be any ways concerned unless there be an express Provisoe in the said Law that the same shall not be in force in this Province till after the Expiration of Eighteen Months in Time of War and twelve Months in Time of Peace; to the End her Majesty's Pleasure may be known upon such Law before it be put in Execution here.

Jo. Hart.

Col° Richard Tilghman from the Honourable Council came and acquainted the House that his Excellency the Governor approved of the Choice made of the Clerk of this House and desired he may be sent up to the Council Chamber to be qualified.

Ordered, That M[r] Robert Tyler and Col° Philip Hoskins go along with Thomas Macnemara the Clerk chosen to the

Council Chamber to see him qualified by taking the usual Oaths. L. H. J. Lib. 41

They return and say they saw him take the usual Oaths and the Oath of Clerk of this House.

Ordered That Mr Speaker issue out his Warrant for the immediate issuing a Writ to be directed to the Sheriff of Kent County for the electing a Member to serve this present Sessions in the Room of Colo William Blay who died since last Sessions of Assembly.

Ordered That Mr Speaker issue out his Warrant for the immediate issuing a Writ to be directed to the Sheriff of Calvert County for the Electing two Members to serve this present Sessions in the Room of Mr John Leach late deceased and of Mr John Broome who since last Sessions and being elected has accepted of the Place of High Sheriff of Calvert County.

Ordered That Mr Speaker issue out his warrant for the immediate issuing a Writ to be directed to the Sheriff of Ann Arundel County for electing two Members to serve for that County this present Sessions in the Room of Major Charles Hammond and Captain Richard Jones who since the last Sessions deceased.

Ordered That Mr Speaker issue his Warrant for the immediate issuing a Writ to be directed to the Sheriff of Queen Ann's County for electing a Member to serve this present Sessions of Assembly in the Room of Mr John Wells who died since last Sessions. p. 433

Ordered That Mr Speaker issue his Warrant for the issuing a Writ to be directed to the Sheriff of Baltimore County for electing a Member to serve this present Sessions in the Room of Mr William Talbott, late deceased.

Resolved That the ancient Rules of this House shall be punctually kept and observed.

Resolved, That this House will sit to do Business during this Sessions at Eight in the Morning and continue sitting to Eleven in the forenoon and from One in the Afternoon till Six.

Resolved, That every Member of this House that does not appear every Morning and Afternoon at the Calling over the House shall be fined.

The House adjourns till Eight of the Clock to Morrow Morning

Die Merij 23d Die Junis 1714

The House met again according to Adjournmt Members prsent as yesterday.

L. H. J. Lib. 41 Then also appeared for Cecil County Mr William Darmutt Matt Vanderheyden. For Dorchester County Major Roger Woolford and Capt. Ennalls Mr Govert Loockerman. For Somerset County Mr Samuel Worthington. For Baltimore County Colo Thomas Hammond.

Colo John Mackall, Capt. Ennalls, Capt. Jowles, and Capt. St. Leger Codd are appointed a Committee for Elections and Privileges.

Colo Matthew Tilghman Ward, Mr Samuel Worthington, Colo John Mackall, Mr Amos Garrett, Mr Govert Loockerman, and Mr Thomas Robins are appointed a Committee of Laws; to which is added Capt. Richard Colegate.

Mr Robert Tyler, Mr John Whittington, Capt. Henry Trippe and Capt. Daniel Mariartee are appointed a Committee of Aggrievances.

Mr Joseph Hill, Mr Edward Scott, Mr Thomas Brooke Jun. and Capt. Thomas Trueman Greenfield are appointed a Committee of Accounts.

The Committee of Elections and Privileges enter the House and make the following Report &ca

By the Committee of Elections and Privileges
June 23, 1714

We find upon the due Examination of the Writ of Election sent to Prince George's County and the Indenture thereon returned, the within named Mr James Stoddart to be duly elected according to Law.

Signed p Order John Beale Cl. Com.

Ordered That the Committee of Laws prepare an Address to his Excellency and bring in the same this Afternoon.

p. 434 Resolved, Nemine contradicente, That this House wait this Day in the Forenoon on his Excellency and the Hon̄ble the Council to Saint Ann's Church to hear Divine Service imploring God's Blessing on the Debates and Councils of this Assembly.

The House adjourns till two O'Clock in the Afternoon

Then the House met again according to Adjournment present as in the Morning

Ordered That Mr Vanderheyden and Major Sprigg go up to his Excellency the Governor & Hon̄ble Council with Mr James Stoddart and Mr Wm Dare two Delegates returned to

see them qualified by taking the Oaths appointed by Act of Parliament L. H. J. Lib. 41

They return and say they seen them qualified.

The Committee of Laws enter the House and deliver Mr Speaker the following in Answer to his Excy's Speech which being read was approved of and ordered to be entered as follows Viz.

To his Excy John Hart Esqr Capt. General and Governor in Chief of her Majesty's Province of Maryland.

May it please your Excy

We the Delegates of this Province now convened in a general Assembly return your Excy our most humble and hearty Thanks for the compassionate Concern you are pleased to express at the Misfortune we have lain under in Respect to Trade and for your Excys so tenderly recommending to us the Consideration of a Remedy. It's a great Satisfaction to us that your Excy is an Eye Witness to the Lowness of that Ebb, which this Province in it's Circumstances is reduced to and that you are pleased to take such particular Notice of it.

Our deplorable Condition being known we hope the Speedier Relief from that Maj^ty^ that never yet denied her Royal Aid to any of her suffering Subjects that implored it. Her Majesty's prevailing Endeavours in the procuring of that Peace that has removed so many Burthens from our Trade justly claims the most hearty and sincere Acknowledgement that can be made from dutiful and loyal Subjects to the best of Princes; but yet we fear so far have we been influenced by the War that without our Sovereign's more particular Grace and Favour extended to us we shall not be able by any Endeavours of our own to recover our lost Circumstances nor prevent the total Ruin of the Tobacco Trade which is our only Staple. We shall always pay a strict Deference to her Majesty's Royal Instructions and shall readily and chearfully apply ourselves to the Performance of them. We heartily congratulate your Excellency's safe Arrival here and acknowledge our utmost Obligations to her Majesty for favouring us with your Excellency's Administration under whose Government we assure ourselves of being a happy People

Signed p Order Thos Macnemara Cl. ho: Del.

Ordered That Col^o^ Matthew Tilghman Ward, Mr Robert Tyler, Mr Saml Worthington, Mr James Makall, Mr James Stoddart, Captain Henry Ennalls, Mr Edward Scott, Mr James Lloyd, Capt. Daniel Mariartee and Major Thomas Sprigg present the same to his Excy. p. 435

L. H. J. Lib. 41

They return and say they presented the same to his Excy.

Mr Peregrine Frisby is excused from his Attendance this Sessions by Reason of his Indisposition.

The House adjourns till to Morrow Morning Eight O'Clock.

Die Jovis 24th Die Junis 1714

Then the House met again according to Adjournmt present as yesterday.

Resolved, and accordingly Ordered nemine contradicente That every Member that doth not appear at the second Call of the House over every Morning during this Sessions shall forfeit that Days Allowance on which such Member shall not appear and every Member not appearing at the second Call in the Afternoon shall be fined five Shillings unless good Cause to be approved of by the House be shewn to the contrary. And that the Clerk of this House keep a particular Account thereof

The House took into Consideration the Instructions sent down on the 22d by Colo Lloyd and five others of the Hoñble Council.

Resolved, That there be an Answer returned to the same in the Afternoon

The House adjourns till One O'Clock in the Afternoon

Thursday in the Afternoon.

Then the House met again according to Adjournmt Present as in the Morning.

Colo Lloyd, Colo Holland, Colo Addison, Philemon Lloyd and John Dorsey Esqrs from the Hoñble the Council enter the House and deliver Mr Speaker the following from his Excy Viz.

Gentlemen,

I am much obliged to you for the kind Sense you express of my Concern for the Sufferings of this Province in the Decay of it's Trade. Her Majesty who has unspeakable Tenderness for the Prosperity of her Subjects will never be wanting on her Part for your speedy Redress. Your dutiful Expressions in complying with her Majesty's Instructions is the Effect of the prudent and loyal Temper of your House which will always render good Subjects grateful to the best of Queens. I am much obliged to you for your good Opinion you conceive

of me and will employ my Efforts to be useful in my Administration L. H. J. Lib. 41

June 23rd 1714 Jo. Hart

Ordered That the following be returned as an Answer to the Instructions referred to in his Excys Speech Viz.

By the House of Delegates p. 436
Thursday 24th June 1714

May it please your Excy,

We the Delegates of this Province now convened in a general Assembly having taken into Consideration the Instructions to which your Excys Speech at the Opening of this Sessions refers do with unfeigned Hearts return your Excy our hearty Thanks for the Zeal and religious Care you express for the Support and Observance of our Religion as by Law established which we humbly are of Opinion is provided for as far as our Circumstances will admit by several Acts of Assembly of this Province and more particularly by an Act entituled an Act for the Service of Almighty God and Establishment of Religion in this Province according to the Church of England &cª We also beg Leave to acquaint your Excy that we are humbly of Opinion that there are sufficient Laws already provided for the Punishment and Discouragement of all Drunkenness, Debauchery, Swearing and Blasphemy if put in due Execution by the several Majestrates of this Province And we assure your Excy this House will at all Times be very thankful to your Excy if upon just Complaint you do remove any Justice of Peace that shall fail in his Duty therein or commit any Breach of them, and are assured that your Excy's Declaration thereon and good Example (of which we cannot nor have the least Grounds to doubt) will very much tend to effect what your Excy and we so much desire.

We likewise are with Submission to acquaint your Excy that (sincerely acknowledging the most Princely and tender Regard Mercy and Moderation of her Majesty towards all her Subjects and all others seeking Refuge in her Kingdoms and Dominions) there is a Law already made for restraining Severities to Servants by Masters or Overseers which is entituled an Act relating to Servants and Slaves whereby the Justices of the Provl or County Courts of this Province are impowered in a summary Manner to hear and determine Complaints between Masters and Servants by Way of Petition to give Judgment and award Execution; but we intend to inspect into the same and if we find or are informed by your Excy that it is any ways deficient shall revise and amend it.

L. H. J. Lib. 41 We further represent to your Excy that a sufficient and Charitable Provision is already made by several Acts of Assembly of this Province for the Support of such Persons as are Objects of Charity whereby the Justices of the several County Courts of this Province who are the Assessors of the several County Levies are impowered to allow them a reasonable Support. And we find that Vagabonds are so much discountenanced by them that we are troubled with few or none such. We further beg Leave to assure your Excy that we always have
p. 437 and shall be ready to raise such Supplies from Time to Time as may be sufficient for the defraying the necessary Charge of this Province; and it is our firm Resolution that nothing shall be wanting in us necessary to obviate any Emergency that may happen, having the Assurance of her Majesty's Favour and Permission that we may at any Time enquire and examine how such Supplies are applied with your Excys Permission. We beg Leave to assure your Excy that some Provision is already made for the Preservation of the Arms already provided for the Defence of this Province and that we shall be ready to make any farther Provision that shall be thought necessary; and we cannot be so much wanting to ourselves as not to own her Sacred Majesty's Princely Regard of us in recommending this particular; a Thing that so nearly concerns us, to your Excy as part of your Instructions it being our Desire and should be of all they that love the Preservation of Liberty and Property to live under her auspicious and pious Governm^{t} so long as God will permit. We also humbly desire that your Excy will please to be informed that there is such Provision already made for the summoning of Jurors in Order for the Administration of Justice as far as the Circumstances of the People of this Province will at present admit of by an Act entituled an Act for causing Grand and Petit Jurors and Witnesses to come to the Provincial and County Courts; And that there is a Sufficient Provision already made for Relief of Creditors of Persons becoming Bankrupts in Great Britain and having Effects in this Province by an Act entituled an Act for the Relief of Creditors in England against Bankrupts who have imported any Goods into this Province not accounted for which is in full Force. And further that this House never intended to propose any Law for lessening any Part of her Majesty's Revenues, but could wish their Abilities were such and their Inclinations should not be wanting to augment it. And we further assure your Excellency that we shall at all Times yield such Obedience to her Majesty as becomes Loyal Subjects to so good and gracious a Queen and are entirely satisfied that her Majesty's good and gracious Instructions towards us are such that She will at all Times

maintain to us and those we represent such Rights and Liberties as any of her Subjects have or enjoy. L. H. J. Lib. 41

Signed p Order Thos Macnemara Cl: ho: Del.

Ordered That Colo Philip Hoskins, Colo Matthew Tilghman Ward, Mr Samuel Worthington, Colo John Mackall, Major Thomas Sprigg, Major Roger Woolford, Mr Edward Scott, Capt. Richard Colegate, Mr Joseph Hill, Mr Wm Dare, Mr Charles Wright and Capt. Thomas Trueman Greenfield present the same to his Excy

They return and say they delivered the said Answer.

The Honble Colo Edwd Lloyd, Colo Ennalls, Colo Addison, p. 438
Colo Young, Philemon Lloyd and John Dorsey Esqrs and Colo Greenfield from the Honble Council enter the House and deliver Mr Speaker the following Instructions Viz.

By his Excellency the Governor &ta

Gentlemen,

Her most Sacred Majesty has commanded me to lay before you the two following Instructions Viz.

28th And whereas several Inconveniences have arisen to our Government in our Plantations by Gifts and Presents made to our Governors by the Assemblies it is our express Will and Pleasure that neither you our Governor Lieutenant Governor, Commander in Chief or President of the Council of our Province of Maryland for the Time being do give your or their Consent to the passing of any Law or Act for any Gift or Present to be made to you or them by the Assembly and that neither you or they do receive any Gift or Present from the Assembly or others upon any Account or in any Manner whatsoever upon Pain of our highest Displeasure, and of being recalled from that our Government; excepting that whereas there is no House appointed or set apart by us for our said Governor And the Assembly of our said Province having upon the Arrival of John Seymore Esq. our late Governor there passed an Act for raising a further Revenue of three Pence p Hogshead on Tobacco exported as an additional Allowance to him for his better Maintenance during his Government over and above his ordinary Allowance out of the Duty of two Shillings p Hogshead on Tobacco exported, We are pleased to permit the Assembly to repass the like Act for your better Maintenance as also to assign you a House or Rent for the same. Provided the said Act be passed and House or Rent assigned to you for an unlimited Time or during your Continuance in that Government.

L. H. J. Lib. 41 29th And we further do direct and require that this Declaration of our Royal Will and Pleasure be communicated to the Assembly at their first Meeting after your Arrival and entered in the Registers of our Council and Assembly that all Persons whom it may concern may govern themselves accordingly.

Upon reading Richard Acton's Petition about the Damage done his Land without the Gate of Annapolis and fully debating the same it is resolved and accordingly Ordered that the Petitioner be allowed out of the public Stock the Sum of twenty Pounds in full of all his Claim on Account of the Damage done his said Land; Ten Pounds thereof to be
p. 439 allowed him this present year and the other ten Pounds to be allowed him in the Year one thousand seven hundred and fifteen.

A Motion being made and the Question put whether a Duty of 3d ꝑ Hhd on all Tobacco exported by Land or Water out of this Province shall be allowed his Excy the Governor during his Administration here for his better Support It is Resolved in the Affirmative nemine contradicente

Ordered That a Bill be brought in for granting to his Excellency John Hart Esq 3d ꝑ Hhd during his Administration in this Province on all Tobacco to be hence exported by Land or by Water and that the Committee of Laws prepare and bring in the same

The House adjourns till Eight O'Clock to Morrow Morning

Friday Morning 25th June 1714

The House met again according to Adjournmt present as Yesterday

Then also appeared Mr William Whittington Junr

Then was read what was done yesterday.

A Bill for settling a Revenue on her Majesty's present Governor being brought in by the Commitee of Laws was read the first and secoud Time by especial Order and ordered to be indorsed Viz.

By the House of Delegates
Friday 25th June 1714.

Read the first and second Time by especial Order and will pass.

Signed ꝑ Order Thos Macnemara Cl. ho: Del.

Ordered That Mr Tyler, Colo Mackall, Mr Stoddart, Mr Docwra, Capt Mariarte, Major Thomas Sprigg, Colo Hammond, Mr James Lloyd, Major Woolford, Mr Loockerman, Mr John Whittington, Capt. Scott, Mr Robins and Capt. Henry Trippe carry the said Bill to his Excy in Council with the following Message Viz. L. H. J. Lib. 41

By the House of Delegates
June 25th 1714.

Having considered the Instructions your Excy sent to this House yesterday and finding her Royal Majesty our Queen has been graciously pleased to admit us to make a Present to your Excy of 3d p Hhd on all Tobo exported out of this Province during your Admn here with all Alacrity and Affection we lay hold of this Opportunity of making you that Present, not questioning but your Excys Admn amongst us will be easy just and answerable to the gracious Design of her Majesty the true Patron of Piety Justice and Mercy and conformable to the Laws of the Land. We shall take that Part of the Instructions relating to a House or Rent into our further Consideration.

Signed p Order Thos Macnemara Cl. ho: Del.

They return and say they delivered the same. p. 440

The Petition of William Dorrington and others of Dorchester County praying Leave to bring in a Bill for vesting several Seats of Land in the said County containing about one thousand Acres which were by the last Will of William Dorrington deceased devised in Tail in the Tenants in Tail in fee and cutting off the Entail afd being read, it was ordered that the Petitioners be heard by their Council this Day at the Bar of this House on said Petition. The said Petition being read and the House having heard Council for the Petitioners and fully considered the same it was rejected Nemine contradicente.

The House adjourns to One O'Clock in the Afternoon

Then the House met again according to Adjournment. Present as in the Morning.

Upon reading this Day in this House a Message from the Honble the President and Council of this Province of the 6th of Nov. 1714 a Deposition of John Courts and a Representation of the Militia Officers of Charles County together with some Receipts relating to the County Arms and Ammunition and referr'd to be considered of to this Sessions, It is Ordered

L. H. J. Lib. 41 that Summons issue to Philemon Hemsley and Mary his Wife lately called Mary Contee in the said Deposition mentioned requiring them that all Excuses set apart they be and appear before this House on Thursday next in the Forenoon to answer the Charge imposed against her the said Mary in the said Representation and Deposition.

Resolved That the Petition of Benjamin Woodward and Mary his Wife about a Tract of Land called Sectar lying in Dorchester County be referred to the Considern̄ of this House to be had thereon on Tuesday Morning next; at which Time all Parties concerned are to attend.

The Committee of Laws made the following Report Viz.

By the Committee of Laws
June 24th 1714

Upon enquiring into the expiring Temporary Laws of this Province according to the Directions of the House we humbly refer these following to your Consideration with the several Times of their Continuances noted Viz.

An Act reviving and continuing an Act of Assembly of this Province Entituled an Act for the Ordering and regulating of the Militia of this Province for the better Security and Defence thereof and for supplying some Defects therein. To continue to the End of the first Session after the Arrival of a Capt. Genn̄l.

An Act reviving an Act entituled an Act for Limitation of
p. 441 Officers Fees. To continue until the End of the first Session of Assembly or to the End of 6 Months which shall first happen after the Arrival of the next Capt. Genl or Governor &ca

An Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law. To endure to the End of the first Session of Assembly that shall first happen after the Arrival of a Capt Genl or Governor &ta

Signed p Order Tho Bordley Cl. Com.

Thereupon it is Ordered That the Com. of Laws revise the Act entituled an Act for Limitation of Officers Fees and prepare and bring in a Bill. And it is further Ordered That the said Committee regulate the Fees as they see reasonable and so fill up the Bill accordingly.

The Honn̄ble Colo Wm Holland, Colo Coursey, Colo Ennalls Colo Thomas Addison, John Dorsey Esq. and Colo Saml Young from her Majesty's Honn̄ble Council entered the House and

delivered Mr Speaker the following Message from his Excellency the Governor Viz. L. H. J. Lib. 41

Annapolis 25th June 1714

Mr Speaker,

I am extremely obliged with the ready Concurrence the Gentlemen of the Assembly have shewed to her Majesty's Permission of allowing me your free Gift of 3d p Hhd on all Tobo exported. Your Pleasure of giving it me during the Time of my Government cannot but be very grateful to me; and I will endeavour on my part that you may never repent so signal a Favour.

John Hart

And also from the Council in Assembly the Bill for settling a Revenue on her Majesty's present Governor with the following Endorsement Viz.

By the Council in Assembly
June 25th 1714

This Bill read in Council the first and second Time by especial Order and will pass The Words Ready Money being made Sterling Money for that no Advantage redounds to the Freighters in this Province by the Master's Choice to pay the Duty in Currency We being always charged Sterling by the Merchants; nor is your Present now of equal Value with what it was to Colo Seymore Coin not being then advanced

Signed p Order W Bladen Cl Conl

On reading of which Endorsmt It is ordered That the said Bill be amended accordingly and lye for another Reading.

The House adjourns till To Morrow Morning 8 O'Clock

Saturday 26th June 1714

Then the House met again according to Adjournmt

Then was read what was done yesterday.

A Bill for settling a Revenue on her Majesty's present Governor read the 3d Time with the Amendment proposed the 25th Instant by the Council in Assembly, Past for Engrossing. p. 442

Signed p Order Tho. Macnemara Cl. ho. Del.

Ordered That the Com. of Laws prepare and immediately bring in a Bill for reviving and continuing for three Years from the End of this Sessions An Act entituled an Act for

L. H. J. Lib. 41 relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law.

Ordered That Thomas Macnemara provide a Lock and Key and Stud for the Assembly Office and be allowed in the publick Stock for the same.

A Bill reviving an Act of Assembly of this Province Entituled an Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, Read the first and second Time by especial Order and Ordered it to be thus endorsed Viz.

By the House of Delegates
26th June 1714

Read the first and second Time by especial Order and will pass
Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up by Mr Amos Garrett and Capt. Mariarte, Capt. Scott, Mr Stoddart, Capt. Ennalls and Major Woolford to the Hon̄ble Council in Assembly.

They return and say they delivered it.

Mr John Rousby praying an Allowance for conveying publick Letters in Colo Seymour's Life-time was admitted into the House and being fully heard at the Bar of this House and his Allegations considered, it is the Opinion of this House that it is the Duty of all Persons in whose Hands publick Letters happen to convey them to the Sheriff of the County where such Persons do live which Sheriff has a Yearly Salary for conveying all publick Letters And it is therefore Resolved Nemine contradicente That the said John Rousby shall have no Allowance made him for conveying the said Letters.

Mr John Rousby having pursuant to an Order directed to him by this House in 1712 sent to England for Stationery and other Things necessary for the Use of the Country delivers to the House the following Invoice which was ordered to be entered as follows Viz.

London Nov. 27th 1713

Invoice of Goods shipped on Board the Henry Daniel Watts Master by the Order of John Rousby Esqr for the proper Risque and Acco[t] of the Province of Maryland and go consigned to the said Rousby Viz.

p. 443

In a four foot Chest Portg & Cord	£ – .. 14 .. –
Ensigns and other Colours &ta Edwd Bass	8 .. 17 .. 4
Stationery, Benja Colebatch	23 .. 9 .. 0
	£33 .. 0 .. 4

Customs of the Goods	£ 1 .. 7 .. 4	L. H. J. Lib. 41
Entry Coq^{ts} & Search^{rs} fees	— .. 7 .. 6	
Port^{r} Wharf, Shipp^{g} & Boat Hire	5 .. 6	
	2 .. 3 .. 0	
Primage paid the Master	2 .. 6	
Commn̄ 2½ p C^{t}	17 .. 8	
	£36 .. 1 .. 0	

The House adjourns till two of the Clock in the Afternoon

Saturday 2 O'Clock in the Afternoon.

The House met again according to Adjournm^{t} Present as in the Morning.

Col^{o} Samuel Young, and Col^{o} Thomas Addison from her Majesty's Honourable Council enter the House and deliver Mr Speaker the Bill for reviving an Act of Assembly of this Province entituled an Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law with the following Endorsement Viz.

By the Council in Assembly
June 26th 1714

This Bill being read at the Board and the Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law there seems to be a great Inconvenience in the said Law as it now stands for that if the Creditor has his Debtor's Obligation for £250 and all is paid but a Sum under £20, Now by the Words of this Law the Pltff if he sues in the Prov^{l} Court will be nonsuit the real Debt being under twenty Pounds Money and so in Tob^{o} And if he sues in the County Courts which have not Jurisdiction above an £100 or thirty thousand Pounds of Tob^{o} that Court will not take Cognizance thereof So that the Creditor is wholly without Remedy Wherefore the Question was put whether this Bill should pass or that the Act should be revised with a proper Clause added to supply the aforesaid Defect in Justice and it was unanimously advised that the Act be revised and a proper Clause added to Supply the afores^{d} Defect in Justice. Wherefore we do recommend the Revising the said Law and that a proper Clause be added for supplying the Defect aforesaid and that that Part of the Preamble of Persons riding armed may be omitted

Signed p Order W Bladen Cl. Con^{l}

L. H. J. Lib. 41 p. 444 Which being read, it is Ordered That the said Bill be revised and amended accordingly; and that the Jurisdiction in that Case be lodged in the County Courts.

Col° Edward Lloyd, Col° Ennalls, Col° Coursey, Col° Young, Philemon Lloyd Esqr Col° Thomas Addison, Col° Whittington, and John Dorsey Esq. entered the House and delivered Mr Speaker the following Viz.

By his Excy the Governor and Council in Assembly
June 26th 1714

Mr Speaker,

The Bill now laid before you for your Considñ is an Act passed in Virginia for the Encouragement of the Tob° Trade; and there being several useful Paragraphs in the said Bill which may have a Relation to the improving the Tob° of this Province and preventing the Frauds of designing Men who have not the general Good of this Province at Heart; it is thought fit by the Governor and Council to recommend it to your Perusal.

Signed p Order W Bladen Cl Con.

The House adjourns till Monday Morning 8 O'Clock

Monday 28th June 1714

Then the House met again according to Adjournment. Present as on Saturday, except Mr John Fendall who being sick is excused for this Day.

A Bill for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law read the first and second Time and is committed for Amendments to the Committee of Laws and that they insert a Clause to give the County Courts Jurisdiction to hold Cognizance of any Action on any Bill, Bond or other Specialty wherein there is not due to Balance above a £100 Ster. or thirty thousand Pounds of Tob° Provided that nothing therein shall exclude the Provincial Court to hold Plea where the Balance amounts to £20 or 5000 lbs of Tob°.

A Motion being made and the Question put whether the Clause in the said Bill for allowing Attorneys in the County Courts 200 lb of Tob° fee in Actions where the Demand exceeds £10 Ster. or 2000 lb of Tob° shall be left out of the same, It is Resolved in the Affirmative by Majority of Votes.

Ordered That the said Committee of Laws leave out of the Bill the said Clause.

The Petition of the Vestry of King and Queen's Parish in St. Mary's County praying Leave to bring in a Bill to repeal an Act of Assembly made in 1706 for uniting New Port Hundred then Part of King and Queen's Parish to W^m^ and Mary's Parish in Charles County or for adding to the said King and Queen's Parish what will make Amends out of W^m^ & Mary's and All Faith's in said County of Saint Mary's being read and fully debated, Is referred to the Consideration of the next Sessions of Assembly. L. H. J. Lib. 41 p. 445

Ordered That John Rousby Esqr retain in his Hands, to make him full Satisfaction for the Goods he sent for to Great Britain in 1712 for the Publick and for his Trouble and Charges he was at about the same the Sum of £50 out of the publick Stock this present year.

The House adjourns to One O'Clock in the Afternoon

Then the House being called over met again Present as in the Morning, and then Mr John Fendall appeared.

An Aggrievance about Negroes and Slaves referred to this Sessions is further referred to the Consideration of next Assembly, Nemine contradicente

A Bill permitting the Inhabitants of this Province to sue out Writs when Plts. & appear and give Judgm^t^ w^n^ Defts. in the sev^l^ Courts thereof in their own proper Psons.

Read and referred to the Consideration of the next Assembly.

Mr Samuel Worthington from the Committee of Laws brings in a Bill for relieving the Inhabitants of this Province from some Aggrievances in Prosecution of Suits at Law. Read the first and 2nd Time by especial Order and ordered to be thus endorsed Viz.

By the House of Delegates
Monday 28th June 1714

Read the first and second Time by especial Order and will pass.

Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up to the Honble Council by Mr Garrett, Capt. Mariarte Capt. Scott, Mr Stoddart, Capt. Ennalls and Major Woolford.

They return and say they delivered the Bill.

Col° William Holland and Col° Saml Young from the Honble Council enter the House and deliver Mr Speaker the following Message Viz.

L. H. J. Lib. 41

By the Governor and Council in Assembly
June 28th 1714

We think fit to recommend to you that whereas sundry Statutes of that Part of her Majesty's Kingdom of Great Britain called England have been found very useful and beneficial within this her Majesty's Province of Maryland both in Causes civil and criminal and for that it hath been often observed that many of the aforesaid good and beneficial Statutes of England not being local but seeming general have sometimes been asserted as Law and at other Times denied as such as well by the Lawyers in this Province as the several Courts wherein they have been pleaded and offered which
p. 446 renders the Law in this Province very dubious and uncertain, Whether it is not absolutely necessary the several Courts should be well informed how to give their Judgments upon the said Statutes and therefore if it is not advisable your House should join with this Board to state this matter and to direct our Agent to procure the Opinion of some of her Majesty's Council at Law and two other eminent Lawyers whether the said Statutes of England are in Force within this Province or not; to the End her Majesty's Subjects here may know by what Rule they walk and the several Courts of Law how to render their Judgments thereon.

Signed p Order W Bladen Cl. Con.

It is thereupon Ordered to be referred to be considered of to Morrow.

An ingrossed Bill for settling a Revenue on her Majesty's present Governor was read, Ordered to be endorsed thus viz.

June 28th 1714

Read and assented to by the House of Delegates &
Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up to her Majesty's Council by Mr Garrett, Major Sprigg, Mr James Mackall, Mr Lloyd, Capt Scott and Mr Robins.

They return and say they delivered the Bill

The House adjourns till to Morrow Morning 8 O'Clock

Tuesday Morning the 29th Day of June 1714

Then the House met again according to Adjournmt Present as yesterday

Then was read what was done yesterday

Col° Edward Lloyd, Col° Wm Holland, and Col° Thomas Addison from the Hon̄ble Council delivered Mr Speaker the Bill for settling a Revenue on her Maj^ty's^ present Governor thus endorsed L. H. J. Lib. 41

June 28th 1714.

Read and assented to by her Majesty's Hon̄ble Council and
Signed p Order W Bladen Cl. Con.

Ordered, That the following be returned as an Answer to the Message of the 28th Instant about the Statutes of England Viz.

To his Excy the Govr and to her Mtys Hon̄ble Council in Assembly

We are of Opinion your Message of the 28th Instant by the Hon̄ble Col° William Holland and Col° Samuel Young to be a Thing worthy of our Consideration but as we are desirous to put an End to this present Sessions the Time of year being very inconvenient for revising our Laws and that we believe the examining the Statutes of England will require more Time than our urgent Occasions will at present admit us to bestow upon it have referred the same to the Consideration of next Sessions of Assembly to which we pray your Excys and Honours Concurrence

Signed p Order Tho: Macnemara Cl. Ho. Del.

Sent up to the Hon̄ble Council by Mr Tyler, Capt. Mariarte, Capt. Colegate and Mr Charles Wright. p. 447

They return and say they delivered their Message.

On a Motion made for Leave to bring in a Bill for the more easy ascertaining and settlem^t^ of Bounds of Land and to prevent unnecessary and vexatious Actions, It is Resolved and accordingly Ordered Nemine contradicente That Leave be given for bringing in such a Bill this Sessions and that the Committee of Laws prepare the same to which said Committee Mr James Stoddart is added.

Then the House adjourned till One O'Clock in the Afternoon.

And then met. Present as in the morning.

Col° Lloyd, Col° Coursey and Col° Young from the Council deliver Mr Speaker the following Message.

L. H. J. Lib. 41

By his Excy the Govr and Council in Assembly
June 29th 1714.

Gentlemen,

Since the Bill for settling a Revenue upon her Majesty's present Governor has passed all the Requisites in your House as well as at this Board being ingrossed, read, and fully assented to both by your House and this Board and only sent down to you to inform you thereof his Excy the Govr with the Advice of this Board has thought fit to require you to lay the said Bill before him whom it properly ought to be laid before for his Consideration thereof.

Signed p Order W. Bladen Cl. Conl.

A Bill for Limitation of Officers Fees read the first and second Time by especial Order and ordered to be indorsed thus Viz.

By the House of Delegates
29th June 1714

Read the first and second Time by especial Order and will pass.

Signed p Order Tho. Macnemara Cl. Ho. Del.

Mr Bernard White is appointed Clerk Assistant to the Clerk of this House

The House adjourns till to Morrow Morning 8 O'Clock.

Wednesday 30th June 1714.

Then the House being called over was present as yesterday.

Then was read what was done yesterday

A Motion being made and the Question put whether the Bill for settling a Revenue on her Majesty's present Govr shall be sent up to his Excy for his Assent thereto on Behalf of her Majesty, It is resolved in the Affirmative by Majority of Votes.

Ordered the said Bill be sent up with the following Message

By the House of Delegates
30th June 1714

We finding that the Intent of our Present of 3^{d} p Hh^{d} to
p. 448 your Excy will in a great measure be eluded the Ships laden with Tob^{o} Daily departing this Province if the passing the same into a Law should be deferred Pray your Excy to appoint us a Time to attend on your Excy with the Bill for settling a

Revenue on her Majtys present Gov. to see your Excy give the Assent thereto on Behalf of her Majesty. L. H. J. Lib. 41

Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up with the Bill by Col° Mackall, Mr Tyler, Capt. Mariarte Mr Worthington, Mr Lloyd, Mr Stoddart Mr Loockerman, Capt. Ennalls, Capt Scott, Major Thos Sprigg, Mr Kenelm Chisseldine, Capt Richard Colegate, Capt Trippe and Mr Robins

They return and say they delivered the same

Ordered That the following Message be returned in Answer to the Message of Yesterday by Col° Lloyd, Col° Coursey and Col° Young about sending up the Bill for his Excy's Consideration

By the House of Delegates
June 30th 1714

To his Excy the Govr and Council in Assembly

In Complyance with your Message of yesterday by the Hon̄ble Col° Edward Lloyd, Col° William Coursey and Col° Samuel Young we send your Excy the Bill for settling a Revenue on her Majesty's present Gov. for your Excys Consideration thereof.

Signed p Order Thos Macnemara Cl. Ho. Del.

Sent up with the Bill by Mr James Lloyd, Mr Worthington Major Sprigg, Mr Mackall, Capt. Scott and Mr Loockerman.

They return and say they delivered the same.

Bernard White being yesterday appointed Clerk Assistant to the Clerk of this House took his Oath to keep the Secrets of the said House.

The House adjourns to One O'Clock in the Afternoon

Wednesday Afternoon.

The House met again according to Adjourn^t^ Present as in the Morning.

Col° Edward Lloyd, Col° Coursey, Col° Young, Colonel Addison and Col° Tilghman from the Hon̄ble the Council enter the House and delivered Mr Speaker the following Message from his Excellency the Govr directed to Robert Ungle Esqr Speaker of the Hon̄ble House of Delegates Viz.

June 30th 1714.

Sir,

Be pleased to acquaint the House that I desire their Attend- p. 449

L. H. J. Lib. 41 ance this Afternoon at three of the Clock in Order to see the Royal Assent given to the Bill of 3^{d} ꝑ Hhd.

I am, Sir, Your Humble Servant
Jo. Hart.

Pursuant to which Order the House adjourns to the Council Chamber to see his Excy give the Assent on Behalf of her Majesty to an Act for settling a Revenue on her Majesty's present Governor, Which said Bill his Excy the Govr was pleased to enact into a Law by sealing it with the great Seal of this Province and indorsing it in the following Words viz.

30th June 1714

On Behalf of her Sacred Majesty Queen Ann of Great Britain &c. I will this be a Law.

Jo. Hart

After which Mr Speaker with the Rest of the Members returned to the House and met. All present as in the Afternoon.

A Bill for Limitation of Officers Fees sent up to the Hon̄ble Council by Major Woolford, Capt. Mariarte, Major Sprigg, Mr John Whittington, Mr William Whittington, Capt. Cood, Mr Vanderheyden, Col^{o} Hammond, Mr Kenelm Cheseldine, Capt. Greenfield, John Purnell, James Mackall and Capt. Thomas Docwra

They return and say they delivered the Bill.

Col^{o} Edward Lloyd, Col^{o} Holland, Col^{o} Coursey, Col^{o} Young and Col^{o} Whittington from the Hon̄ble Council delivered Mr Speaker the Bill for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law, thus endorsed—

June the 30th 1714

Read in Council and will pass with the following Amendments Viz. Fo. 5

Instead of above £100 Sterl. or thirty thousand Pounds of Tob^{o} it be expressed £20 Sterl. or five thousand Pounds of Tob^{o} but above the Sum of two hundred Pounds of Tob^{o} or sixteen Shillings and Eight Pence Current Money adding the Words and give Judgment for the just Balance with Costs of Suit

Signed ꝑ Order W. Bladen Cl. Con.

A Bill for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law.

By the House of Delegates
30th June 1714. L.H.J. Lib. 41

Read again with the Amendments and Ordered to be ingrossed.

Signed p Order Thos Macnemara Cl. Ho. Del.

The House adjourns till to Morrow Morning 8 O'Clock.

Die Jovis 1° Julij, 1714

Then the House met again according to Adjournmt Present as Yesterday p. 450

A Motion being made and the Question put whether the Act for regulating and ordering the Militia of this Province for the better Defence thereof shall be revived adding the Clauses in the last Act for reviving the same made last Sessions to endure for 3 years and the End of the next Sessions after the 3 years? Resolved in the Affirmative by Majority of Votes.

Ordered the Committee of Laws prepare and bring in this Morning a Bill for reviving an Act Entituled an Act for regulating and ordering the Militia of this Province for the better Defence thereof adding the Clauses in the Act for reviving the same made last Sessions to endure for 3 years and the End of the next Sessions of Assembly after the 3 years

A Bill reviving and continuing an Act of Assembly of this Province Entituled an Act for the ordering and regulating the Militia of this Province for the better Security and Defence thereof and for supplying some Defects therein was read the first and second Time by especial Order and ordered to be endorsed thus Viz.

By the House of Delegates
Thursday 1st July 1714

Read the 1st and 2d Time by especial Order and will pass.

Signed p Order. Tho. Macnemara Cl. Ho. Del.

Sent up by Col° Mackall, Major Woolford, Major Sprigg, Capt Mariarte, Capt. Ennalls, Capt. Codd, Capt. Docwra and Capt. Jowles to the Honble Council.

They return and say they delivered the same.

Capt. Thomas Docwra agreeth to compleat and finish the House he undertook on the 13th of Nov. 1713 to build to lodge the publick Arms in by the first Day of October next the

L. H. J. Lib. 41 Dimensions of which House are as mentioned in Folio 103 of the Journals of last Sessions to be built 25 Foot long and 18 foot wide and ten Foot Pitch sawed Frame planked within Side and without well shingled and to be built on the publick Ground.

Col° Addison and Col° Tilghman from the Hon̄ble Council enters the House and delivers Mr Speaker the Bill reviving and continuing an Act of Assembly of this Province Entituled an Act for ordering and regulating the Militia of this Province for the better Security and Defence thereof and for supplying some Defects therein with the following Endorsement Viz.

By the Council in Assembly
July 1st 1714.

Read in Council and will pass.
Signed p Order W Bladen Cl. Con.

p. 451 By the House of Delegates
July 1st 1714.

The same was read in the House and passed for engrossing.

The House adjourns till One O'Clock in the Afternoon

Thursday Afternoon.

The House met again according to Adjournment. Present as in the Morning.

The Petition of Thomas Macnemara sent down by Col° Whittington from the Hon̄ble Council is read and ordered to be entered as follows

To his Excy the Gov. and Council in Assembly

The humble Petition of Thomas Macnemara

Humbly Sheweth

That whereas your Petitioner has with many others joined in a Petition to your Excy and Honours praying Leave to speak to a Bill for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law; Your Petitioner being employed in the publick Service could not attend your Excy and Honours at the Time appointed for hearing the other Petitioners; That your Petitioner hopes he has some Reasons not urged by the other Petitioners to offer whereby he hopes to gain your Excy and Honour's Recom-

mendation to the Hon̄ble the House of Delegates to insert in the said Act the Clause that was in the former for allowing of Attorneys in the County Courts 200 ℔ of Tob° in all Actions where the Demand exceeds £10 or 2000 ℔ of Tob° Therefore he prays your Excy and Honours to admit him before this Hon̄ble Board to offer his said Reasons. And he shall pray &ta L. H. J. Lib. 41

With the following Endorsement Viz.

July the first 1714.

Upon reading this Petition his Excy and this Board do recommend That the Clause in the Petition mentioned relating to the Attorneys Fees be inserted in the Bill now before the Delegates

Signed p Order W Bladen Cl. Conl.

Whereupon the Question was put whether the said Clause shall be inserted It is Resolved in the Negative by Majority of Votes.

The Complaint and Depositions about the embezling of the Magazine—Captain Philemon Hemsley and Mary his wife—is referred to the Consideration of the next Sessions of Assembly to be had thereon the first week thereof &c and then the said Philemon Hemsley and Mary his wife are to lay before this House an Account of what Arms and Ammunition were lodged in Col° Contee's Hands for the use of the Public and how the same is disposed of; and it is ordered they be served with a Copy hereof

Signed p Order Tho. Macnemara Cl. Ho. Del.

A Bill for reconciling Differences in Relation to the Bounds of Land within this Province and for settling the Bounds thereof. Read the 1st and 2nd Time by especial Order and ordered to be endorsed thus Viz.

By the House of Delegates p. 452
July 1st 1714.

Read the 1st and 2nd Time by especial Order and will pass.
Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up by Mr Tyler, Mr Stoddart Major Woolford, Capt Codd, Capt. Trippe, Captain Colegate, Capt. Greenfield and Mr Wm Whittington Junr to the Hon̄ble Council in Assembly.

They return and say they delivered the same

L. H. J. Lib. 41 Col° Coursey, Col° Whittington and John Dorsey Esqr from the Hon̄ble the Council enter the House and deliver Mr Speaker the Bill for Limitation of Officers Fees with the following Endorsement Viz.

By the Council in Assembly
June the 30th 1714

This Bill being read and debated at the Board it is thought if it should pass and the Officers Fees be reduced as is thereby proposed it will not only discourage Men of good Learning Integrity and Parts to accept of some of the inferior Offices therein mentioned but also lessen and debase the State and Dignity of the superior Officers who in their several Stations are most useful in this Province either in the administring of Justice or Execution thereof and ought to be handsomely supported according to their several Characters not only for the Sake of their own Merit and Capacities but for the Honour of the Government itself whereof they are the immediate Ministers. Therefore this Board cannot agree to the Bill, but desire the former Law may be revived with the explanatory Act thereto, His Excy the Governor and this Board inclining not only to encourage and support such Officers as diligently and faithfully discharge their Duty but likewise to punish and suppress those that are any way guilty of Bribery, Extortion, Negligence or any other unfaithful Misdemeanors in the Execution of the several Offices and Trusts reposed in them according to the utmost Severity of the Law.

Signed p Order W Bladen Cl. Con.

Which Bill is sent back to the Hon̄ble Council by Mr Tyler, Mr Garrett, Mr Stoddart Capt. Colegate, Capt. Ennalls and Major Woolford with the following Endorsem^t^ Viz.

By the House of Delegates
July 1st 1714.

If your Honours will peruse the Journal of Assembly held in 1709 you will find therein that your Honours were pleased to promise readily to join with us in regulating the Officers Fees on the Arrival of a Capt. Genl The Fees in many Particulars are exorbitant and tend to the Oppression of the People. We are humbly of Opinion that the Fees as in this Bill limitted considering the Multiplicity of Business are sufficient decently to support as well Judicial as Ministerial Officers therefore pray this Bill may pass

Signed p Order Tho. Macnemara Cl. Ho. Del.

p. 453 They return and say they delivered the same.

Col° Wm Holland, & Col° Greenfield from the Hon̄ble Council enter the House and deliver Mr Speaker the Message following Viz. L. H. J. Lib. 41

By his Excy the Governor and Council in Assembly
July 1st 1714

Gentlemen,

Upon reading your Answer to our Message of the 28th June by Col° Holland and Lieu^t^ Col° Young relating to some Statutes of England we have Reason to believe you have misconceived our Proposal therein; by which we did not offer to you that the General Assembly should concert what Statutes should be in Force here but that the Question should be solely stated to the Lawyers in England to know whether the said Statutes should be in force here or not they being often asserted as Law and very often denied which introduces very great Doubts and Confusion in the Courts of Justice here. We do agree with your House that the Time of year does not well admit you to be long absent from your respective Habitations and therefore shall readily concur with you in the speedy Conclusion of this Sessions

Signed p Order W Bladen Cl. Con^l^

Col° Thomas Addison, Philemon Lloyd Esqr Col° Richard Tilghman and John Dorsey Esqr from the Hon̄ble Council enter the House and deliver Mr Speaker the Bill for reconciling Differences in Relation to the Bounds of Land within this Province and for settling the Bounds thereof with the following Endorsement Viz.

By the Hon̄ble her Majesty's Council in Assembly
July 1st 1714

This Bill being read at the Board his Excy and her Majesty's Hon̄ble Council are of Opinion the Matter in the Bill contained is of the utmost Moment and worthy the most mature Consideration of the General Assembly the Property of all her Majesty's Subjects here being concerned therein which we do not believe the present Time will admit of and therefore do think fit to refer the further Consid^n^ of this Bill to the next Sessions of Assembly.

Signed p Order W. Bladen Cl. Con.

The said Bill is likewise read and referred to the Consid^n^ of the next Sessions of Assembly.

Signed p Order Thos Macnemara Cl. Ho. Del.

L. H. J. Lib. 41 Then was read the Petition of Benjamin Woodward and Mary his wife formerly the wife of Wm Seward praying Leave to bring in a Bill for reinvesting an Estate in Mary and Ann Seward Daughters and Co-Heirs of the said William Seward in a Tract of Land called Sectar and Council being heard at the Bar on both sides, the Question is put whether Leave shall be given to bring in a Bill. It is Resolved in the Affirmative by Majority of Votes.

p. 454 Col° Coursey, Lieut Col° Young and John Dorsey Esqr from the Hon̄ble Council enter the House and deliver Mr Speaker the Bill for Limitation of Officers fees with the following Endorsement Viz.

By her Majestys Council in Assembly
July 1st 1714

This Bill with the Endorsement thereon being read and considered and the several Fees examined this Board cannot think the Officers Fees are any ways exorbitant especially considering the little Advantage the several Officers for many years have and are still like to make of their Tob° Wherefore it was put to the Question whether this Board will recede from their former Opinion on this Bill communicated to the Delegates or not? And Resolved That this Board do not think fit to recede therefrom but recommend that the former Law for Limitation of Officers Fees with the explanatory Act thereto be revived

Signed p Order W. Bladen Cl. Con.

The House adjourns till to Morrow Morning 8 O'Clock.

Friday Morning 2nd July 1714

Then the House met again according to Adjournment and being called over was psent as yesterday.

Then was read what was done yesterday.

The Question is put whether the Bill for Limitation of Officers Fees shall be revived with Amendments to endure for 3 years or to the End of the next Sessions after 3 years. It is Resolved in the Affirmative these be the Amendments by Majority of Votes.

1st That the Sheriff shall be allowed 10 ^lb^ of Tob° p Day for Imprisonment Fees and Victuals twenty four Hours and no more.

2dly That all the Fees to be allowed by the House to the Hon̄ble the Speaker and Clerk of Assembly shall be upon Execution.

3dly That the Fees allowed by the Governor and Council to Sheriffs for serving Replevins, Writs of Possession, serving Ejectments &c^{a} be upon Execution and ascertained in the Bill. L. H. J. Lib. 41

The Petition of Richard Mainning against Eliz^{a} Traverse is referred at the Prayer of Traverse to the Consideration of next Sessions of Assembly to be had thereon the second Tuesday in the Sessions and Summons is to issue for all Evidences to be named by either Party that Summons issue to the Pet^{r} to be then here with his Evidences or the Petition to be rejected.

The following was returned in Answer to the Message sent from the Hon̄ble Council by Col^{o} Holland and Col^{o} Greenfield yesterday about the Statutes of England Viz. p. 455

By the House of Delegates
1st July 1714

We agree that our Answer to your Message of the 28th June by Col^{o} Holland and Col^{o} Young was not categorical but the Matter therein contained being of very great Concern to the Country and that mature Consideration is requisite for instancing the particular Statutes, We have thought fit to refer it to the Consid^{n} of next Assembly, to which we pray your Excy and Honours Concurrence. We return your Excy and Honours our hearty Thanks for expressing your Willingness to bring this Sessions to a speedy Conclusion.

Signed p Order Tho. Macnemara Cl. Ho. Del.

A Bill for laying an Imposition of 3^{d} p Hhd on Tob^{o} for defraying the Charge of the Province. Read the first and 2nd Time by especial Order and ordered to be thus indorsed Viz.

By the House of Delegates
2nd July 1714

Read the 1st and 2^{d} Time by especial Order and will pass.

Signed p Order Tho. Macnemara Cl. Ho. Del.

The aforegoing Message and Bill were sent up to the Council by Col^{o} Philip Hoskins, Mr Kenelm Chiseldine Mr Charles Wright and Capt. Trippe.

They return and say they delivered the same

An ingrossed Bill for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of suits at Law was read and assented to by the House of Delegates and ordered to be indorsed thus Viz.

L. H. J. Lib. 41

By the House of Delegates
2d July 1714.

Read and assented to by the House of Delegates, and
Signed p Order Tho. Macnemara Cl. Ho. Del.

An ingrossed Bill reviving and continuing an Act of Assembly of this Province entituled an Act for the ordering and regulating the Militia of this Province for the better Security and Defence thereof and for supplying some Defects therein

Read and assented to, by the House of Delegates, and ordered to be indorsed thus Viz.

By the House of Delegates
2d July 1714

Read and assented to by the House of Delegates &c.
Signed p Order Thos Macnemara Cl. Ho. Del.

Both the aforegoing Bills were sent up to her Majesty's Hon̄ble Council by Mr James Lloyd, Capt Jowles, Capt Ennalls, and Major Sprigg.

They return and say they delivered the same

p. 456 The House adjourns till One O'Clock in the Afternoon

Friday Afternoon.

Then the House met again according to Adjt Present as in the Morning.

Colo Thomas Addison and Philemon Lloyd Esqr from the Hon̄ble Council enter the House and deliver Mr Speaker the Bill for laying an Imposition of 3d p Hhd on Tobo for defraying the Charge of the Province with the following Indorsement Viz.

By the Council in Assembly
July 2d 1714

Read in Council and being considered that by the Act for Advancemt of Coins all Duties and Impositions for defraying the Country Charge are to be collected and paid in Currency so that it may be fit to add to the first Clause in the Bill the words "any Law, Statute, Usage to the Contrary nothwithstanding." And it is further recommended that the Bill be only Temporary as for 3 years and to the End of the next Sessions of Assembly after the said 3 years with which Amendments the Bill will pass.

Signed p Order W Bladen Cl. Conl.

Thereupon it is ordered That the said Bill be accordingly amended. L. H. J. Lib. 41

The said Bill with the Amendments being read the third Time it is Ordered to be ingrossed.

John Dorsey Esqr from her Majesty's Hon̄ble Council enters the House and delivers Mr Speaker the following Message Viz.

By the Hon̄ble her Majesty's Council in Assembly
July 2^{d} 1714

This Board did yesterday upon the Petition of Mr Thomas Macnemara on Behalf of himself and other Gentlemen practising the Law in this Province recommend to your House in Favour of the Pet. and the other Gentlemen of that Profession that a former Clause in the Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law relating to Attorneys Fees in the County Courts should be again inserted in the present Bill proposed and are concerned to find your House have not taken any Notice of that Recommendation which we think proper to be inserted

Signed p Order W. Bladen Cl. Conl.

A Bill for reinvesting Mary and Ann Seward Daughters and Co-Heirs of William Seward late of Dorchester County deceased Son and Heir of George Seward formerly of the said County in a certain Tract of Land in Dorchester County called Sectar was read the first and second Time by especial Order and ordered to be thus indorsed Viz.

By the House of Delegates
2^{d} July 1714

Read the first and second Time by especial Order and will pass.

Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up to her Majesty's Council by Capt. Codd and Mr James Mackall.

They return and say they delivered the same

A Bill for laying an Imposition of 3^{d} p Hhd. on Tob^{o} for defraying the Charge of the Province

By the House of Delegates p. 457
2^{d} July 1714

Read the 3^{d} Time with the Amendments and ordered to be engrossed.

Signed p order Thos Macnemara Cl. Ho. Del.

L. H. J. Lib. 41 Col° Wm Holland and Philemon Lloyd Esqr from the Hon̄ble Council enter the House and deliver Mr Speaker an ingrossed Bill for reviving and continuing an Act of Assembly of this Province entituled an Act for the ordering and regulating the Militia of this Province for the better Security and Defence thereof and for supplying some Defects therein with the following Indorsement Viz.

July 2^d^ 1714.

Read and assented to by her Majesty's Hon̄ble Council, and
Signed p Order W Bladen Cl. Conl.

Ordered That the following Address be prepared and sent to his Excy the Govr by Mr Lloyd Major Woolford Major Sprigg Mr James Mackall Mr Charles Wright and Mr John Purnell Viz.

By the Hon̄ble House of Delegates
2^d^ July 1714

May it please your Excy

As her Sacred Majesty out of her great Grace and Princely Regard of us has been pleased to order that the Sum of 3^d^ p h^d^ of an Imposition of 12^d^ p Hh^d^ laid and settled by Act of Assembly on Tobacco to be exported out of this Province on her Majesty for Support of Governm^t^ should be applied for purchasing Arms and Ammunition for the Defence of this Province and having also out of her Princely Favour given us Leave to require the Accounts of the same and all other Supplies to be granted to be laid before us, We humbly pray your Excy to order the several Officers concerned in the Receipt and Application of the said 3^d^ p Hhd to lay their Accounts of the same before this House next Sessions of Assembly We believe that on their Account a considerable Sum will be found due to the Public and pray your Excy will agree to apply Part thereof for building such publick Store houses throughout the
p. 458 Province as shall be thought necessary for the more safe keeping the publick Arms and Ammunition of the same which we humbly are of Opinion is agreeable to her Majesty's Directions and gracious Permission for Application of the same. We have already ordered a Store House to be built in the City of Annapolis which is to be finished by the first Day of October next for the publick Arms and Ammunition of this Province not distributed among the several Counties of the same

Signed p Order Tho. Macnemara Cl. Ho. Del.

They return and say they delivered the same.

Col° William Whittington and Col° Richard Tilghman from the Hon̄ble the Council enter the House and deliver Mr Speaker the following Message Viz. L. H. J Lib. 41

By his Excy the Govr and Council in Assembly
July 2^d^ 1714

Your Message this Afternoon by Mr James Lloyd and five others of your Members has been read and considered at this Board and your Request therein is thought very reasonable. Wherefore his Excy has been pleased to give Orders to her Majesty's Receivers to lay the whole Accounts of the 3^d^ ꝑ Hhd. appropriated for the purchasing Arms and Ammunition for the Defence of this Province before your House at the next Session. And further his Excy and the Board Do Resolve and are inclinable some Part of the aforesaid Revenue of 3^d^ ꝑ Hh^d^ appropriated as aforesaid may be applyed towards the Building publick Storehouses for preserving the publick Arms and Ammunition in the several Counties where necessary: But as to the Store house agreed to be built in this City his Excy desires it should not be further proceeded till the next Sessions of Assembly when some further Proposals will be made relating thereto

Signed ꝑ Order W Bladen Cl. Conl.

Thereupon Ordered That Capt. Docwra desist building the said House till next Session of Assembly.

An Act reviving a certain Act of Assembly of this Province Entituled an Act for Limitation of Officers Fees and for supplying some Defects therein Read the first and second Time by especial Order and ordered to be thus indorsed Viz.

By the House of Delegates
July 2^d^ 1714

Read the first and second Time by especial Order and will pass.

Signed ꝑ Order Tho. Macnemara Cl. Ho. Del.

Sent up to her Majesty's Hon̄ble Council by Col° Ward, Capt. Mariarte, Mr Stoddart, Capt. Ennalls, Mr Hill, Capt. Scott, Capt. Docwra, Mr Fendall, Capt. Colegate and Capt. Trippe, with an Answer sent by John Dorsey Esq. this Day relating to an Act for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law with a Clause therein relating to Attorneys Fees in the County Courts as follows Viz.

L. H. J. Lib. 41 p. 459

By the House of Delegates
July 2d 1714

We are concerned that your Honours do insist so much for inserting a Clause relating to Attorneys Fees in the Bill for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law since it passed your Board with some Amendments as your Honours may see by your Journal of the 30th June wherein you never mentioned the said Clause. This House is desirous to avoid Multiplicity of Messages as tending very much to the Delay of Business and therefore desire your Honours to assent to the said Bill being now before your Board

Signed p Order Tho. Macnemara Cl. Ho. Del.

They return and say they delivered the same.

The following Message was prepared to his Excy Viz.

By the House of Delegates
July 2d 1714

This House intended to take into Consideration that Part of her Majesty's Instructions relating to a House or Rent laid before this House the 24th June. But finding the Shortness of the Time will not admit of effecting what we desire and being assured your Excellency is willing to bring this Sessions to a speedy Conclusion by Reason of the unseasonable Time of the Year and of our pressing Occasions to return to our Habitations have referred the further Consideration thereof till the next Sessions of Assembly and then hope to do therein what will be to your Excys Satisfaction and pray your Excys Concurrence thereto.

Signed p Order, Tho. Macnemara Cl. Ho. Del.

An ingrossed Bill for laying an Imposition of 3d p Hhd on Tobo for defraying the publick Charge of the Province being read and assented to by the House of Delegates was ordered to be thus indorsed viz.

By the House of Delegates
July 2d 1714

Read and assented to by the House of Delegates &

Signed p Order Thos Macnemara Cl. Ho. Del.

Sent up with the Message by Mr Stoddart, Mr Robins, Capt. Docwra, Mr Pierce, Major Woolford, and Mr Fendall.

They return and say they delivered the same

Col° Coursey and Col° Greenfield from the Hon̄ble Council enter the House and deliver Mr Speaker the ingrossed Bill for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law with the foll. Message Viz. L. H. J. Lib. 41

By the Council in Assembly
July 2^d^ 1714

We do own that the Multiplicity of Messages tends very much to the Delay of Business. We are sorry we have any Occasion thereof which would have been prevented had you taken Notice of the Recommendation sent you in Favour of the Attorneys practising in the County Courts immediately after the Amendments proposed to the Bill and even before they were debated in your House The Merchants in England may justly complain that for want of due encouragement given such Attorneys they cannot find fit Persons to prosecute their Actions in these Courts wherefore we must insist upon the Clause recommended to be added which is the only Delay given to the Bill. p. 460

Signed p Order W Bladen Cl. Conl.

Col° Edward Lloyd and Col° William Holland from the Hon̄ble Council enter the House and acquaint Mr Speaker That his Excellency very well approves of the Message sent by Mr Stoddart and other Members in Relation to the House and Rent.

Col° Samuel Young and Col° Thomas Addison from the Hon̄ble Council enter the House and deliver Mr Speaker the Bill for reviving an Act for Limitation of Officers Fees and for supplying some Defects therein with the following Indorsement Viz.

By the Council in Assembly
July 2^d^ 1714

This Bill being read and debated it is remarked that the explanatory Law thereto is omitted to be revived It is thought the Fee proposed to the Sheriff for keeping a Prisoner twenty four Hours in Custody and finding him Victuals is too little Therefore it is recommended that the Sheriff be allowed twenty Pounds of Tob° p Day for the first Month and 10 ^lb^ of Tob° a Day after and that the Sheriff may have Fees from convicted Criminals but that no such Fee be charged to the Counties. Recommended that the Fees likewise to be allowed the Clerk of the Council in Assembly by this Board on private Bills be likewise on Execution with your Clerk's Fees The Penalty of

L. H. J. Lib. 41 six thousand Pounds of Tobacco is thought sufficient to deter any Officer from extorting Fees and the disabling of them from executing their Offices for three years may be a Snare any honest Officer may happen into even by Inadvertency of the Clerk to fall under Wherefore we desire the said Amendments may be made to the Bill

Signed p Order W. Bladen Cl. Conl.

p. 461 It is thereupon Ordered That the said Bill be committed to the Committee of Laws for the said Amendments.

Mr Tyler from the Committee of Aggrievances delivers Mr Speaker the following Report from the Committee of Aggrievances which is ordered to be entered as follows Viz.

By the Committee of Aggrievances
July 2^d 1714

We find in the Journal of the House of October Assembly 1709 that the following Aggrievances amongst sundry others were offered Viz.

It was then reported and Resolved by the House as an Aggrievance that several Places of Profit within this Province were in the Hands of one Person which Offices would be better officiated and Business better done and sooner dispatched if the Places were in the Hands of several Persons and be sufficient to maintain them; besides it is a great Discouragement to the several Inhabitants of this Province who are well qualified for such Places that Persons less deserving and not qualified according to Law hold Places of Profit and many Times one Person several Offices. Also it was then Reported to and Resolved by the said House as an Aggrievance that Places of Trust and Profit especially the Sheriff's Office had been sold to such Persons as would give most money or Tobacco for them whereby several Persons have been commissionated that are very uncapable and not qualified and of too mean Capacity and Estate to execute and perform their Duties and Offices and the Inhabitants much hereby aggrieved and oppressed and very slender security given for performing their Offices whereby great Losses had and then were likely to happen to her Majesty's Subjects within this Province. Which were then unanimously Resolved by all the House to be Aggrievances and thereupon a Conferrence was prayed by the House that some Members of her Majty's Honble Council might join with some Members of that House to consider of a proper Method to redress them and thereupon a Conferrence was accordingly appointed who as to the two Aggrievances above mentioned Reported as foll. Viz.

As to what relates to one Person having several Offices it was the Opinion of the Conferrees that if any Person held the Chan^{s} Office, the Commissary Gen^{ls} Office Secretary's Office, Sheriffs Office or Clerk of the County Courts' Office together with any other Office or Place of Profit it is as an Aggrievance: And that the House of Delegates should address the Council Board to redress it as far as in them lies And as to that which relates to the Sheriffs and others buying of Offices the Conferrees then agreed it was a great Aggrievance and it was then the Opinion of the Conferrees that for the future the Justices of the County Courts in March Court before the Sheriff's Time expires should nominate two or three ꝑsons for Sheriffs out of which the Governor and Council should appoint one for Sheriff We further humbly represent to the House that those 2 seem to be the only Aggrievances amongst all that were then offered that now require Redress both which we are of Opinion are still Aggrievances to the Province And it is further offered as an Aggrievance to this Committee that for want of an effectual Redress of that which relates to the Sheriffs who are as it were the several Counties Treasurers and on whose Credit and good Demeanour depends the Credit and Interest of all those that act in publick Stations as well as of all the other Inhabitants and which therefore calls for a most speedy and effectual Redress, There have happened very great Burthens and Inconveniencies to many of the Counties in this Province and particularly to Ann Arundel County from whom it has been offered that the present Sheriff has farmed or made over the Pfits of his Office contrary to the Form of the Statutes of England in such Cases provided, That he is slack and very dilatory in Payments and refuses to accept Notes drawn upon him by those that have publick Allowances in his Hands unless he has a Salary or Gratuity for so doing which no other Sheriff in Maryland has ever yet been known to scruple and has generally made those concerned with him for Tobacco so uneasy in his Payments that the Price of all publick or County Allowances of Tobacco in his Hands has been much lessened to the great Damage of all the Inhabitants especially of the poor Petitioners That tho' the Act of Assembly limits the Continuances of Sheriffs for 3 years and no longer yet by such clandestine secret underhand Practices the same ꝑson continues Sheriff in all Respects but Title for many years together and by that means continues his uneasinesses to the People. All which Things we find tend very much to the lessening the publick Credit and the Esteem of Tobacco and amount to a great Aggrievance. And we further humbly offer that those Things which have been so long Time found Aggrievances and yet remain unredressed

L. H. J. Lib. 41

p. 462

L. H. J. Lib. 41 cannot be otherwise than such now and that therefore some Redress ought to be sought For all which foregoing Premises we refer to the House for their Consideration thereof

Signed p Order John Beall Cl. Com.

p. 463 The House adjourns till to Morrow Morning 8 O'Clock

Saturday Morning 3d July 1714.

Then the House met again according to Adjournmt and being called over was psent as yesterday.

Then was read what was done yesterday.

The Bill for reviving an Act of Assembly of this Province for Limitation of Officers Fees and for supplying some Defects therein and also reviving another Act of Assembly of this Province Entituled an Act explaining some doubtful Expressions in the Act for Limitation of Officers Fees was read the first and second Time by especial Order with the Amendments and Ordered to be thus indorsed Viz.

By the House of Delegates
July 3d 1714

Read the first and 2d Time by especial Order and will pass

Signed p Order Tho. Macnemara Cl. Ho. Del.

Moved by a Member of this House that the Place of Treasurer for the Eastern Shore being vacant by the Death of Colo Thomas Smithson a new one may be chose to supply the Place. Whereupon Robert Ungle Esqr out of the great Respect justly due to him from this House is chosen Treasurer for the Eastern Shore Nemine contradicente.

The following Address is ordered to be sent to his Excellency the Governour with the Report from the Committee of Aggrievances Viz.

By the House of Delegates
3d July 1714

May it please your Excy

This House not to be wanting in their Duty towards the People of this Province whom they represent humbly shew your Excy that the People of this Province have been very much oppressed by Means of the Matters contained in the Rept from the Committee of Aggrievances hereunto annex'd which we pray your Excy to consider We have such Profes-

sions of your Excy's Justice that we doubt not but those Aggrievances will meet with speedy Redress L. H. J. Lib. 41

Signed p Order Tho. Macnemara Cl. Ho. Del.

The aforegoing Message and Rep^{t} are sent up to his Excy the Govr and Council in Assembly together with the Bill reviving an Act of Assembly of this Province for Limitation of Officers Fees and for supplying some Defects therein and also reviving another Act of Assembly of this Province Entituled an Act explaining some doubtful Expressions in the Act for Limitation of Officers Fees by Col^{o} Ward, Major Woolford, Capt Mariarte and Major Stoddart.

They return and say they delivered the same.

Ordered That the following Message be sent to the Hon̄ble Council

By the House of Delegates p. 464
July 3^{d} 1714

This House being desirous to keep a good Correspondence with your Honours and to end this Session with the like good Temper it was opened pray your Hon^{rs} to appoint some Members of your Honble Board to join in a Conference with some Members of this House about inserting the Clause relating to Attorneys Fees where the Demand exceeds ten Pounds or two thousand Pounds of Tobacco in the Bill for relieving the Inhabitants of this Province from some Aggrievances in the psecution of Suits at Law.

Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up by Mr Tyler, Col^{o} Hoskins, Capt. Mariarte, Capt. Greenfield, Major Woolford and Capt. Colegate.

They return and say they delivered the same.

The Committee of Accounts bring in their Journal which Being read is assented to and Ordered to be thus indorsed Viz.

By the House of Delegates
3^{d} July 1714

Read and assented to by the House of Delegates and

Signed p Order Tho. Macnemara Cl. Ho. Del.

Col^{o} Wm Coursey and Col^{o} Thos Addison from the Hon̄ble Council enter the House and deliver Mr Speaker the foll.

By the Council in Assembly
July 3^{d} 1714

This Board have agreed to the Conference upon the sub-

L. H. J. Lib. 41 ject matter proposed by your House and when you let us know what Members of your House you appoint on that Conference and the Time and Place when and where to meet we shall direct some of our Members to join with your Conferees.

Signed p Order W Bladen Cl. Conl.

Whereupon Mr Tyler, Colo Hoskins, Capt. Mariarte, Capt Greenfield, Major Woolford and Capt. Colegate are appointed Conferees to join the Hon̄ble Council about the said Clause and are ready to meet immediately at the House of John Dodd. And the same Members have a Message to signify the said Appointmt to the Hon̄ble Council.

They return and say they delivered the said Message.

Colo Holland and Philemon Lloyd Esqr enter the House and deliver Mr Speaker the ingrossed Bill for laying an Imposition of 3d p Hhd. for defraying the Charge of the Province with the following Indorsement Viz.

July 2d 1714

Read and assented to by her Majesty's Hon̄ble Council and

Signed p Order W Bladen Cl. Conl.

And then acquainted Mr Speaker that his Excellency de-
p. 465 sired them to take along with them to his Excy as having passed the previous Requisites of the House of Delegates and Council Board the ingrossed Bill for reviving and continuing the Act of Assembly of this Province for ordering and regulating the Militia of this Province for the better Security and Defence thereof and for supplying some Defects therein which was delivered them accordingly.

Colo William Holland, Colo Samuel Young and Colo Richard Tilghman enter the House and acquaint Mr Speaker that they are appointed to join Mr Tyler and the five other Members of this House in the Conference and are ready to meet at Mr Dodd's, and delivered Mr Speaker the Bill reviving the Act for Limitation of Officers Fees and for supplying some Defects therein &c. also reviving another Act of Assembly of this Province Entituled an Act explaining some doubtful Expressions in the Act for Limitation of Officers Fees which was thus indorsed Viz.

By the Council in Assembly
July 3d 1714

Read and will pass with the Amendments

Signed p Order W Bladen Cl. Conl.

Read the third Time and past for ingrossing. L. H. J. Lib. 41

Tho. Macnemara Cl. Ho. Del.

And then delivered Mr Speaker the Bill for reinvesting Mary and Ann Seward Daughters and Co-Heirs of William Seward late of Dorchester County decēd Son and Heir of George Seward formerly in the said County in a certain Tract of Land in Dorchester called Sectar with the following Indorsement Viz.

By the Council in Assembly
July 3d 1714.

This Bill is referred to the Consideration of the next Session of Assembly this Board not having Leisure at this Time to consider thereof

Signed p Order. W. Bladen Cl. Conl.

Thereupon it is Ordered That the said Bill be referred to the Consideration of the next Assembly.

The House adjourns to One O'Clock in the Afternoon

Saturday Afternoon

Then the House met again according to Adjournment. Present as in the Morning.

Mr Robert Tyler from the Conference delivers Mr Speaker the following Report Viz.

At a Conference held at the House of John Dodd the 3d Day of July 1714 to confer and consider what Fee shall be allowed the Sval Attorneys practising in the several County Courts of this Province in the Actions that exceed ten Pounds Sterling or two thousand Pounds of Tobacco.

Present of her Majesty's Hoñble Council, The Hoñble Colo p. 466 William Holland Colo Samuel Young and Colo Richard Tilghman.

Of the House of Delegates, Mr Robert Tyler Colo Philip Hoskins Mr Daniel Mariarte Mr Thomas Trueman Greenfield Mr Roger Woolford and Capt. Richard Colegate. Who make Choice of Colo William Holland for their Chairman and Edmund Benson for their Clerk and then proceeded to debate the Matter given them in Charge which being fully debated and considered We humbly Report our Opinion as foll. Viz.

That all Attorneys practising in the several County Courts of this Province shall have for their Fee in any Cause where

L. H. J. Lib. 41 the real Debt sued for the Ballance recovered exceeds the sum of ten Pounds Sterling or 2000lb of Tobacco the sum of 200lb of Tobacco. And that any Attorneys practising in the said Courts that shall refuse to prosecute or defend the Cause of any ꝑson or ꝑsons making Application to any Attorney of the said Courts (unless before retained) having the said Fee paid or secured to be paid to him or that shall ask receive or demand in any such Action by any Colour or Pretext whatsoever more than the said Fee shall forfeit and pay the sum of five hundred Pounds of Tobo one half thereof to our Sovereign Lady the Queen for the support of the Government the other half to him or them that will sue for the same to be recovered by Action of Debt Bill Plaint or Information &ca And upon Conviction thereof to be suspended his Practice in the said Court for and during one whole year. We are further humbly of Opinion that a Clause relating to the above Premises be added to the Bill for reviving an Act for Officers Fees. Which we humbly refer to your Honours Consideration

Signed ꝑ Order Edmd Benson Cl.

Thereupon it is ordered to be thus indorsed Viz.

By the House of Delegates
July 3d 1714.

This Report being read and debated is approved of by this House.

Signed ꝑ order Tho. Macnemara Cl. Ho. Del.

Sent up to the Council by Mr Tyler, Colo Hoskins, Capt. Mariarte Major Woolford Capt. Greenfield and Capt. Colegate.

They return and say they delivered the same

The following Message in Relation to the Election of a Treasurer for the Eastern Shore was prepared to the Hoñble Council Viz.

By the House of Delegates
July 3d 1714

May it please your Honours

p. 467 The Place of Treasurer of the Eastern Shore being vacant by the Death of Thomas Smithson Esq. late Treasurer there, we out of the great Respect justly due to Robert Ungle Esq. our Speaker from us have Nemine contradicente chose him to supply that Place to which we desire your Honours Concurrence he giving good Security for the due Performance of the same

Signed ꝑ order Tho. Macnemara Cl. Ho. Del.

And sent up with the Journal of the Comm. of Accounts to the Council by Capt. Greenfield and Capt. Mariarte. L. H. J. Lib. 41

They return and say they delivered the same.

Col° William Holland, Col° Samuel Young and Col° Richard Tilghman from the Hon̄ble Council enter the House and deliver Mr Speaker the Report from the Conferees indorsed as foll. Viz.

3^d July 1714

Read in Council and this Board does agree with the Delegates and approve of the within Report.

Signed p Order W Bladen Cl. Conl.

They also acquaint Mr Speaker that his Excy requires (as having past the previous Requisites of the Council in Assembly and House of Delegates) the ingrossed Bill for laying an Imposition of 3^d p Hhd. on Tobacco for defraying the Charge of the Province. Which was accordingly delivered them.

John Dorsey Esqr from the Hon̄ble Council enters the House and delivers Mr Speaker the foll. Message Viz.

By the Council in Assembly
July 3^d 1714

Gent.

Your Message with the Report of the Committee of Aggrievances being read at the Board the Consideration thereof is referred to the next Sessions of Assembly.

Signed p Order W Bladen Cl. Conl.

Col° Wm Coursey and Col° Thomas Addison from the Hon̄ble the Council enter the House and deliver Mr Speaker the following Viz.

By the Council in Assembly
July 3^d 1714

His Excy and this Board do approve your Choice of Robt Ungle Esqr to be publick Treasurer of the Eastern Shore in the Room of Col° Thomas Smithson dec̄d the said Robert Ungle giving good Security for the Discharge of his Trust

Signed p Order W Bladen Cl. Conl.

Mr Samuel Worthington from the Committee of Laws delivers Mr Speaker an ingrossed Bill with the Amendments proposed by the Conferees Entituled a Bill reviving a certain Act of Assembly of this Province Entituled an Act for Limi-

L. H. J. Lib. 41 p. 468 tation of Officers Fees and supplying some Defects therein and also reviving another Act of Assembly of this Province Entituled an Act explaining some doubtful Expressions in the Act for Limitation of Officers Fees which was read and assented to by the House of Delegates and ordered to be indorsed thus Viz.

July 3d 1714

Read and assented to by the Honse of Delegates and
Signed p Order Tho. Macnemara Cl. Ho. Del.

Which said Bill together with the Bill for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law were sent up to the Hon̄ble Council by Mr Garrett and Mr Hill

They return and say they delivered the same

Ordered That the Clerk of this House immediately write to the several Naval Officers of this Province to acquaint them of the Act made this Sessions of Assembly for laying an Imposition of 3d Sterl. p Hhd. for defraying the publick Charge of this Province.

Colo Thomas Greenfield from the Hon̄ble Council enters the House and delivers Mr Speaker the ingrossed Bill for reviving a certain Act of Assembly Entituled an Act for Limitation of Officers Fees and for supplying some Defects therein and also reviving another Act of Assembly of this Province Entituled an Act explaining some doubtful Expressions in the Act for Limitation of Officers Fees with the following Indorsment Viz.

July 3d 1714.

Read and assented to by her Mājtys Hon̄ble Council and
Signed p Order W Bladen Cl. Conl.

Colo William Holland from her Mātys Honble Council enters the House and delivers Mr Speaker the ingrossed Bill for relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law with the following Indorsement Viz.

July 3d 1714

Read and assented to by her Majesty's Hon̄ble Council.
Signed p Order W Bladen Cl. Conl.

And with the Journal of the Committee of Accounts with this Indorsement Viz.

By the Council in Assmbly
July 3d 1714 L. H. J. Lib. 41

Read and assented to by her Majesty's Hon̄ble Council and
Signed p Order W Bladen Cl. Conl.

The aforegoing two ingrossed Bills were sent up to his Excy the Gov. by Mr Jos. Hill and Capt. Codd. They return and say they delivered the same.

Colo Tilghman Ward and Colo Mackall are sent up to his Excy to acquaint him that there is nothing remains before this House to be done

They return and say they acquainted his Excy thereof.

Colo Edward Lloyd and Colo Samuel Young from the Hon̄ble Council enter the House and acquaint Mr Speaker That his Excy the Governor commands him and the whole House to attend him at the Council Chamber to see the Laws made this Session sealed and his Excy pass the Royal Assent thereto. p. 469

The House accordingly adjourns to the Council Chamber where Mr Speaker presented the following Bills to his Excy the Gov. for the Royal Assent to be given thereto Viz.

A Bill for reviving and continuing an Act of Assembly of this Province Entituled an Act for the Ordering and regulating the Militia of this Province for the better Security and Defence thereof and for supplying some Defects therein.

A Bill for laying an Imposition of 3d p Hhd on Tobo for defraying the Charge of the Province.

A Bill for relieving the Inhabitonts of this Province from some Aggrievances in the Prosecution of Suits at Law.

A Bill reviving a certain Act of Assembly of this Province Entituled an Act for Limitation of Officers Fees and for supplying some Defects therein And also reviving another Act of Assembly of this Province Entituled an Act explaining some doubtful Expressions in the Act for Limitation of Officers Fees.

All and every of which said several Bills his Excy the Govr was pleased to Enact and make into Laws by sealing each of them with the great Seal of this Province and indorsing each of them in the following Manner Viz.

July the 3d 1714

On Behalf of her Sacred Majesty Queen Ann of Great Britain &ca I will this be a Law

John Hart

L. H. J. Lib. 41 After which his Excy the Govr was pleased to declare that with the Advice of her Majesty's Hoñble Council he thought fit to prorogue this General Assembly till the fifth Day of October next to which Time they were accordingly prorogued. Afterwards Mr Speaker with the Rest of the Members of the House of Delegates returned to their own House, and then Mr Speaker resumed the Chair and reported to the House that his Excy the Govr with the Advice of her Majesty's Ho^{n}-ble Council had prorogued this General Assembly till the fifth Day of October next to which Time this House prorogues itself. So endeth this present Session of Assembly being the 3^{d} Session on the 3^{d} Day of July One thousand seven hundred and fourteen

Test Tho. Macnemara Cl. Ho. Del.

ACTS.

At a Session of Assembly begun and held in the City of Annapolis, in the County of Ann Arundel, the 2d Day of June, and ended the 3d Day of July, in the 13th Year of the Reign of our Sovereign Lady Anne, Queen of Great Britain, France and Ireland, Defender of the Faith, etc., Annoq. Domini 1714, were Enacted the Laws following.

John Hart, Esq., Governor.

An Act for Relieving the Inhabitants of this Province from some Aggrievances in the Prosecution of Suits at Law. Bacon

Whereas during the late long and expensive War, her Majesty's good Subjects of this Province have greatly suffered, any many of them have been utterly ruined, not only by Losses at Sea of their Tobaccoes (which is their only Staple Manufacture) being taken by the Enemy, but also by the European Markets being shut up, by Reason of the Export to France and Spain in great Measure prohibited, so that very many honest and industrious Planters, her Majesty's Subjects here, by the very Charges of necessary Clothing and Tools for themselves and Families, are become vastly indebted; and no Prospect as yet appearing of any Means whereby they may extricate themselves out of their miserable and deplorable Circumstances, which are very much heightened and aggravated by their being sued and brought to Annapolis from the remotest Parts of this Province, to their manifest Oppression and Impoverishment: So that many of the good Inhabitants of this Province daily desert their Habitations, and remove themselves to Plantations and Colonies where they are far less Serviceable to her sacred Majesty, and her Revenue of Customs of Tobacco; which calls for some speedy and proper Remedy to be applied thereto, Wherefore this present General Assembly humbly Supplicate her most sacred Majesty, that it may be Enacted;

II. And be it Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same, That from and after the End of this present Session of Assembly, all Persons whatsoever, residing, negociating or trading to or within this Province, having any

Bacon personal Claim or Demand against any the Inhabitants of this Province, wherein the original Debt or Damages do not exceed the Value of Twenty Pounds Sterling, or Five Thousand Pounds of Tobacco, shall (by virtue of this Act) be obliged to sue and implead their several and respective Debtors in the several and respective County Courts where such their Debtors inhabit and reside, and not elsewhere; on Penalty of suffering a Non-Suit, and paying the Defendant his reasonable Charges, to be adjudged by the Justices of any other Court wherein they shall be sued and impleaded; any Law, Statute, Usage, or Custom, to the contrary notwithstanding.

III. And be it further Enacted, by the Authority aforesaid, by and with the Advice and Consent aforesaid, That where any Debt or Damages is demanded, by virtue of any Bond, or Writing Obligatory, the Penalty of such Bond shall not, although it exceed Twenty Pounds in Money, or Five Thousand Pounds of Tobacco, entitle any Plaintiff to bring his Action in any Court but the County Court, unless the real Sum in the Condition of such Bond amounts to Twenty Pounds, or Five Thousand Pounds of Tobacco; any thing in this Act, or any other Statute, Law, Custom, or Usage, to the contrary notwithstanding.

IV. Provided always, That nothing in this Act shall extend, or be construed to extend, to debar or hinder any Person from bringing his Action in the Provincial or Superior Court, on any Covenant, or any Bond for the Performance of Covenants, or for the Performance or Sufferance of any Act or Acts, Thing or Things whatsoever, although the real Damages or Sum recovered be less than Twenty Pounds Sterling, or Five Thousand Pounds of Tobacco, and so as the Penalty of such Bond for the Performance of Covenants, or Performance or Sufferance of any other Matter or Thing whatsoever, exceed Twenty Pounds in Money, or Five Thousand Pounds of Tobacco. But no Bond for Payment or Performance of any Bill of Exchange, shall be prosecuted in any Court but the County Court, unless the original or principal Sum mentioned in such Bill of Exchange, and due on the same protested, shall amount to Twenty Pounds Sterling; any thing in this Act, or any other Statute, Law, Use, or Custom, to the contrary notwithstanding.

V. And whereas the Justices of the several County Courts of this Province, by their Commission, cannot hold Plea or Cognizance of any Sum above One Hundred Pounds Sterling, or Thirty Thousand Pounds of Tobacco, and that it often happens that several Persons, Inhabitants of this Province have Occasion to sue their several Debtors, likewise Inhabi-

tants as aforesaid, on Bills, Bonds, or other Specialties; and Bacon
that the penal or principal Sum for which such Bill, Bond, or Specialty was passed, does exceed One Hundred Pounds Sterling, or Thirty Thousand Pounds of Tobacco, on which Bill, Bond, or other Specialty a Sum under Twenty Pounds Sterling, or Five Thousand Pounds of Tobacco remains due; so that the Plaintiff putting such Bill, Bond, or other Specialty in Suit in the Provincial Court, must, by virtue of this Act be Non-suit, and the Justices of the County Court, by their Commission not able to hold Cognizance of the same; by Means whereof the Party having Occasion to put such Bill, Bond, or other Specialty in Suit, was heretofore without Remedy: For Prevention whereof for the future, and that there may not be a Failure of Justice in such Case; Be it Enacted, by the Queen's most excellent Majesty, by and with the Advice and Consent of her Majesty's Governor, Council and Assembly of this Province, and the Authority of the same, That every Person or Persons, Inhabitants of this Province, shall and may hereafter sue and implead, in any County Court of this Province, where the Debtors reside, any Person or Persons, Inhabitants as aforesaid, their Debtors, on any Bill, Bond, or other Specialty, the principal or penal Sum whereof exceeds One Hundred Pounds Sterling, or Thirty Thousand Pounds of Tobacco; and on which Bill, Bond, or other Specialty, there is not due to Ballance above Twenty Pounds Sterling, or Five Thousand Pounds of Tobacco, but shall be above the Sum of Two Hundred Pounds of Tobacco, or Sixteen Shillings and Eight-pence Current Money; and the several Justices of the County Courts are hereby impowered to hold Cognizance of such Suit brought on such Bill, Bond, or other Specialty, and give Judgment for the just Ballance, with Costs of Suit; their Commission, any Law, Usage or Custom, to the contrary notwithstanding.

VI. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That from and after the End of this present Session of Assembly, if any Drawer or Indorser of any Bill of Exchange, shall be sued or prosecuted, in any Court of this Province, for any Sum of Money due upon any Protested Bill of Exchange, the Attorneys, prosecuting or defending any Action thereupon, shall not exact, demand, receive or take any more than one lawful Fee, for prosecuting or defending any Action upon any one Protested Bill, notwithstanding there be two or more Indorsers, and the said Drawer, sued and prosecuted: And that it shall and may be lawful for the Plaintiff, in any Action to be brought on any Protested Bill, to put into any one Writ, two or more Defendants residing in one County, if Occasion shall require; and

Bacon shall not pay for the same any other Fee or Reward than for one Writ; and shall and may, at his Election, Declare against such Defendants in one or more Declarations as he shall think fit; any Law, Statute, Usage, or Custom, to the contrary notwithstanding.

VII. And be it further Enacted, by the Authority, Advice and Consent aforesaid, That it shall and may be lawful to and for the Defendant, in any Writ issued, or to be issued out of the Provincial Court, after Arrest, and Bail given to the Sheriff for his Appearance, and before the Return of such Writ, to go before the President, or any Two Justices of the County Court, where such Defendant shall be Arrested, with two sufficient Free-holders, such as the Justice or Justices, before whom such Defendant shall go, shall approve of; and then and there give Special Bail to any Action, by virtue of such Writ: Which Bail, so taken, shall be delivered to the Sheriff of such County where the same is taken, to be by him returned with such Writ to the Provincial Court. And the said Bail so taken and returned to the Provincial Court with such Writ, shall be as sufficient as if taken before the President of the County Court, after the Return of the Writ, and Appearance entered, according to the Directions of the Act of Assembly For taking Special Bail in the County; nor shall such Defendant be obliged to appear in proper Person, but by his Attorney, if he sees fit; any thing in the said Act, or any Law, Statute, Use, or Custom, to the contrary notwithstanding.

VIII. Provided always, That this Act, or any Thing therein contained, shall not extend to the Benefit or Advantage of any Persons that shall abscond or fly from Justice in the County where they live; but that such Persons may be Arrested in any County where ever they be to be found.

IX. This Act to endure, from and after this Session of Assembly, for and during the End of Three Years, and to the End of the next Session of Assembly after the Three Years.

Reverdy Ghiselin
Thomas Bacon.

Baskett p. 78 (1) An Act for Settling a Revenue on Her Majesty's present Governor.

Whereas Her most Sacred Majesty, out of Her Royal Bounty and Princely Favour, has been pleased to constitute and appoint his Excellency John Hart Esq: Her Captain General and Chief Governor in and over this Her Province of Maryland, to whom we, Her Majesty's most Loyal Subjects, yield all due Obedience, as by Her Royal Commission

we are obliged: And the better to demonstrate our most humble Gratitude, and to shew the good Respects we have for and towards the said John Hart Esq; our present Governor, and the great Hopes and Expectation we have of his Excellency's good Government over us, we most humbly pray, that it may be Enacted; And be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same, That an Imposition of Three Pence Sterling, per Hogshead, over and above the One Shilling per Hogshead, heretofore Granted, for the Support of Her Majesty's Government here, upon all Tobacco that shall be hereafter Exported out of this Province by Land or by Water, and Three Pence Sterling upon every Four hundred Pounds of Tobacco (be it in Chest or Case) may be raised, levied and paid to Her Sacred Majesty, Her Heirs or Successors, for the Use and better Maintenance of Her Majesty's said Governor, John Hart Esq; during his Government in and over this Province, and no longer, if Her Majesty shall be so Graciously pleased, by the Master of every Ship or Vessel, or other Person trading into, or living in this Province, in Sterling Money of Great Britain, or Bills of Exchange, at the Election and Choice of the said Master or others, to be collected by the Naval Officer of the Port or District where such Ship or Vessel shall enter, or such other Persons as his Excellency shall think fit. Baskett

And be it further Enacted and Declared by the Authority aforesaid, That if any Tobacco should, by any Casual Means be lost after the Imposition paid, that then and in all such Cases, the Owner or Freignter of all such Tobaccoes shall have free Liberty to freight and ship off the like Quantity again without paying the Additional Three Pence.

This Act to endure so long as the said John Hart Esq: shall continue Governor in and over this Province, and no longer.

Pass'd June 30th 1714.

An Act laying an Imposition of Three Pence per Hogshead on Tobacco, for Defraying the Public Charge of this Province. p. 77 (2)

Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same, That from and after the End of this Session of Assembly, a Duty or Imposition of Three Pence Sterling for every Hogshead of Tobacco, and the like Duty for every Five hundred Pounds of Tobacco, contained in

Baskett Chest, Box, or Case, on all Tobacco that shall be exported out of this Province, by Land or by Water, be raised, levied, and paid to Her Majesty, towards the Defraying the Publick Charge of this Province, by all Masters of Ships, and other Vessels trading into this Province, in Money Sterling of Great Britain, or by good and sufficient Bills of Exchange to be collected by the Naval Officers of the Port or District, where such Ship or Vessel shall clear; and the said Naval Officers are directed and required by this Act to receive the same in Money Sterling of Great Britain, or by good and sufficient Bills of Exchange accordingly: And the said Naval Officers shall account and pay for the said Imposition of Three Pence per Hogshead, and the Three Pence for every Five hundred Pounds of Tobacco, contained as above, in Money Sterling, as aforesaid, or such Bills of Exchange, to the Treasurers of this Province, who are hereby required to render an Account thereof, and pay the same in Money Sterling, as aforesaid, or such Bills of Exchange, to the General Assembly; Any Law, Statute, or Usage to the contrary notwithstanding.

And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the said Imposition of Three Pence per Hogshead, and Three Pence for every Five Hundred Pounds of Tobacco, contained as abovesaid, shall be appropriated by the General Assembly of this Province towards the paying the Publick Charge thereof, and to no other Use whatsoever.

And be it further Enacted and Declared by the Authority aforesaid, by and with the Advice and Consent aforesaid, That if any Tobacco should by any Casual Means be lost after the Imposition paid, that then and in all such Cases the Owner or Freighter of all such Tobacco shall have free Liberty to freight and ship off the like Quantity again, without paying the said Imposition.

And be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That One Act of Assembly, begun and held at the Town and Port of Annapolis the Fifth Day of September, Anno Dom' One thousand seven hundred and four, Intituled, An Act for laying an Imposition of Three Pence per Hogshead on Tobacco, for Defraying the Publick Charge of this Province, and every Article, Clause, Matter, and Thing therein contained, shall be, and is hereby utterly Repealed and made Void: And this present Act to be and endure in full Force and Strength for the Term of Three Years, and to the End of the next Session of Assembly after the Three Years.

Pass'd July 3^{d} 1714 Revis'd May 30th 1715.

An Act reviving a certain Act of Assembly of this Province, Intituled, An Act for Limitation of Officers Fees, and for Supplying some Defects therein; and also reviving another Act of Assembly of this Province, Intituled, An Act explaining some doubtful Expressions in the Act for Limitation of Officers Fees. Baskett p. 78 (2)

Be it Enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of Her Majesty's Governor, Council, and Assembly of this Province, and the Authority of the same, That the abovementioned Act, Intituled, An Act for the Limitation of Officers Fees, made at a Session of Assembly, begun and held at the Port of Annapolis the Fifth Day of December, Anno Dom' Seventeen hundred and four; and also the abovementioned Act, Intituled, An Act explaining some doubtful Expressions in the Act for Limitation of Officers Fees, made at a Session of Assembly, begun and held at the Town and Port of Annapolis the Twenty sixth Day of March, Anno Dom' Seventeen hundred and Seven, be and are hereby Revived and Continued in full Force and Strength, from and after this present Session of Assembly, for and during Three Years, and to the End of the next Session of Assembly that shall first happen after the Three Years.

And whereas the Imprisonment Fee of Twenty Pounds of Tobacco, limited for Sheriffs in the afore recited Act for Limitation of Officers Fees, is found to be extravagant, and a great Oppression to the Poor of this Province; Be it further Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That the Sheriffs of the several and respective Counties of this Province shall receive, as a Fee for keeping a Prisoner in Custody, and finding him Victuals, the Sum of Twenty Pounds of Tobacco per Day, during the First Month's Imprisonment, and Ten Pounds of Tobacco, and no more, for every Days Imprisonment and Victualing after the End of the First Month's Imprisonment; Anything in the recited Acts, or any Law, Usage, or Custom to the contrary notwithstanding.

And whereas also there have been several Fees allowed to the Officers by Her Majesty's Governor and Council for sundry Services not provided for by the before recited Acts; Be it further Enacted by the Authority, Advice and Consent aforesaid, That it shall and may be lawful for the several Sheriffs of this Province, to take the Fees hereafter mentioned for the Services following (Viz.)

For Serving a Writ of Possession, One hundred and fifty Pounds of Tobacco.

For Serving an Ejectment, One hundred Pounds of Tobacco.

Baskett For Electing Burgesses (if a whole Election) Fifteen hundred Pounds of Tobacco, and so, pro rata, for One or more.

For Serving a Replevin, the same as is allowed by the aforesaid Acts for an Execution.

And also that the several Sheriffs be paid the like Fees by convicted Criminals, as are paid them by any other Persons for such like Services in Civil Cases, so as none of the Counties shall be chargeable with any such Fees; and that the above mentioned Fees, and also all such Fees as shall be allowed by Her Majesty's Honourable Council here, to their Clerk in Assembly; and also all such Fees as shall be allowed by the House of Delegates of this Province, to the Speaker and Clerk thereof, shall be levied by way of Execution, after the same Manner as is directed by the before recited Act for Levying the several Fees therein allowed to the several Officers therein mentioned. And in case any of the Officers mentioned in this Act shall in any wise act or do contrary, directly or indirectly, to this or the aforesaid Act, he or they so offending shall suffer the same Pains, Penalties, and Forfeitures, as in the said Act for Limitation of Officers Fees are directed to be recovered and applied, as therein is directed.

And forasmuch as it is represented to this General Assembly, That great Inconveniencies and Oppressions have been imposed upon several of the Inhabitants of this Province, by reason several of the Sheriffs of the several Counties within this Province do frequently keep Ordinaries or Houses of Entertainment, and sell Drink by Retail, to the great Damage of such Persons as have Occasion to repair to their Offices; Be it therefore Enacted by the Authority aforesaid, by and with the Advice and Consent aforesaid, That no Sheriff within this Province, shall for the future presume, either by himself or any other Person, directly or indirectly, for or under him, to keep an Ordinary or House of Entertainment, or sell Liquors by Retail, during his Continuance in such his Office, on Pain of being disabled to execute the same, during the Term of Three Years.

And be it further Enacted by and with the Authority, Advice and Consent aforesaid, That all Attornies practising in the several County Courts of this Province, shall have for their Fee in any Cause, where the real Debt sued for, or the Balance recovered, exceeds the Sum of Ten Pounds Sterling, or Two thousand Pounds of Tobacco, the Sum of Two hundred Pounds of Tobacco; and that any Attorney practising in the said Courts, that shall refuse to prosecute or defend the Cause of any Person or Persons making Application to him (unless before retained) having the said Fee paid, or secured to be

paid to him, or that shall ask receive, or demand in any such Action, by any Colour or Pretext whatsoever, more than the said Fee, shall forfeit and pay the Sum of Five hundred Pounds of Tobacco; One Half thereof to our Sovereign Lady the Queen, for the Support of the Government, the other Half to him or them that will sue for the same, to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law to be allowed; and upon Conviction thereof to be suspended his Practice in the said Court, for and during One whole Year. Baskett

Pass'd July 3^{d} 1714.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, Oct. 5–9, 1714.

CHARLES CALVERT, LORD BALTIMORE,
Proprietary.

JOHN HART,
Governor.

THE UPPER HOUSE OF ASSEMBLY.

Maryland ss. U. H. J. p. 947

At the Council in the General Assembly held by Prorogation at the City of Annapolis on Tuesday the fifth of October in the thirteenth year of the Reign of our Sovereign Lady Ann of Great Brittain France & Ireland Queen Defender of the Faith &c Annoq Domini, 1714

Present

His Excell^{cy} John Hart Esqr Governour in Chief of this Province

The Honble { Edwd Lloyd Esqr — Lt Col Saml Young; Col Wm Holland — Lt Col Tilghman &; Col Wm Coursey — Lt Col Addison }

Col Thos Ennalls having desired to be excused for not attending at this Session by reason of his Indisposition of Health his Excuse was allowed of.

This being the day appointed for the meeting of the General Assembly according to the prorogation on the third of July last Lt Col Matthew Tilghman Ward Lt Col John Macall, Major Thos Sprigg and Mr Samuel Worthington came from the House of Delegates & acquainted his Excellency that their Members were met Sufficient to make up their House and that they waited his Excellency's Commands

The Honble Col Lloyd & Lieut^{t} Col Addison were ordered p. 948 by his Excellency to let Mr Speaker & the Delegates know he was in the Council Chamber where He expected their Attendance

The said Gentlemen returned & said they had delivered their Message

Mr Speaker & the Delegates came & attended his Excell^{cy} in Council where he was pleased to bespeak them as follows Viz.

Gentlemen of the Council & Gentlemen of the House of Delegates

I am commanded by her Majesty to revise the Laws of this Province to which I desire your Assistance in the most expeditious manner conveniently may be in order to render so useful a work of as little Expence as possible to the Country

Whatever Indulgence you may reasonably expect from England in favour of the Tob^{o} Trade there will still remain

U. H. J. on your parts to provide some useful Laws here to promote It. I am advised that if certain convenient places of Landing were appointed It would be of considerable use & Benefitt that this method would lower the freight & give a ready dispatch to the shipping with your tob^{os} in good Condition for an early Markett which is the Life of your Commerce

The publick would likewise reap a great Advantage from hence by putting a Conclusion to the Sailors rowling of Tob^{o} Hh^{ds} & in some places for many Miles This Custom is not only destructive to navigation but a slavish Labour unworthy
p. 949 the native Liberty of Englishmen

The many Law Suits that are occasioned by the uncertainty of the Bounds and Limitts of y^{r} Land calls for an immediate Remedy to so great & growing an Evil

Providence in his bounty has blessed the Inhabitants of this Province with a numerous Issue but It is a deplorable Reflection that no better Provision is made for the Education of your youth, there being but a slender support for one School on the Western and none on the Eastern Shoar of this so wide a Bay

I do Earnestly recommend this Gentlemen to your Consideration being a Duty incumbent upon you as you will acquitt yourselves to God & the Queen like good Fathers & good Subjects

Gentlemen of the Council and Gentlemen of the House of Delegates, Nothing can facilitate the dispatch of the Affairs before you this Session like a moderate proceeding in your debates, And when It shall so happen that you dissent in your opinions I make it my request that you express yourselves in such a manner as will rather Evidence the Clearness of your Judgment than the warmth of your resentment

The Speaker & Delegates return to their House

Lt Col Ward & three more came & presented Major John Hawkins a Delegate lately Elected for Queen Ann's County, Col James Maxwell one for Baltimore County Mr John Rousby & Mr Alexander Parran for Calvert County Mr John Hammond & Mr Alexander Wharfield two for Ann Arundel
p. 950 County & Mr Wm Blay one for Cecil County to be Qualifyed by taking the usual Oaths to the Government which they did & Subscribed to the Test & Abjuration oath

The Board adjourned till nine of the Clock to Morrow Morning

Wednesday October the 6th 1714 U. H. J.

The Council Sate

Present

His Excellency the Governour

The honble { Col Edward Lloyd / Col Thos Greenfield; Col Wm Holland / Col Thos Addison; Col Wm Coursey / Capt John Dorsey & Lt Col Richard Tilghman }

Mr James Lloyd & Mr James Macall brought from their House the following Message Viz.

By the House of Delegates
October the 6th 1714

This House in order to the better dispatch of the Business of this Session do propose sitting from nine of the Clock in the morning till four in the Afternoon every day during the Continuance thereof & pray your Excellencys & Honour's Concurrence

Signed p order Thos Macnemara Cl Ho. Del.

Which was approved of by his Excellcy & this Board and the following Message was sent to the House by Col Greenfield Viz.

By his Excellency the Governour & Council in Assembly
October the 6th, 1714

We approve of the time you propose for the daily sitting of your House during this Session & acquaint you this Board design to meet at ten in the morning & sit till four in the Afternoon during the Continuance thereof. p. 951

Signed p order W Bladen Cl Coun.

The Board adjourned for an Hour

Post Meridiem

The Governour & Council Sate Present as in the morning with the addition of the honble John Hall Esqr

His Excellency was pleased to read the 22d Article of her Majesty's royal Instructions to him as follows Viz.

And that It may the better be understood what Acts and Laws are in force in our said Province of Maryland you are with the Assistance of our Council there to take Care that all

U. H. J. Laws now in force be revised & considered And if there be any thing either in the matter or Stile of them which may be retrenched or altered you are to represent the same unto us with your opinion touching the s[d] Laws now in force whereof you are to send a compleat Body unto us and to our Commission[rs] for Trade & Plantations with such Alterations as you shall think requisite to the End our Approbation or disallowance may be signifyed thereon

Advised by the Board that the s[d] Instruction be forthwith sent to the House of Delegates

And the same being copyed out & Signed by his Excellency as a true Copy of the original was sent to the Delegates by L[t] Col Samuel Young & L[t] Col Thomas Addison with the following message Viz.

By his Excellency the Governour & Council
October the 6th 1714

Gentlemen.

p. 952 We send you herewith a Copy of one of her most sacred Majesty's royal Instructions to her present Governour of this her Province wherein she is pleased to direct that all the Laws thereof should be revised, and a compleat Body sent unto her Majesty and the Comm[rs] of Trade and desire you would give your Directions to that purpose to your Committee of Laws

Signed p order W Bladen Cl Coun.

The Council adjourned till ten of the Clock to morrow morning

Thursday October the 7th 1714

The Council Sate Present as yesterday

Col Hoskins and Major Storey came with M[r] John Phelps Naval Officer of Potowmack to see him sworn to his Accompts And the said M[r] Phelps in their presence made Oath to his Collections of this present year to the second of October Inst[t]

His Excellency taking notice that he has observed lighted Candles in the offices in the Court House Ordered that no
p. 953 Clerk or any other person presume to carry a lighted Candle or any other fire into any Office in the Court House, And that M[r] John Beale Clerk of the Secretary's office take Care to have the back door of the House locked every Evening before day light be Shut in and to open the said Door within half an hour after Sun rise every morning

M[r] Tyler and Seven other Delegates brought from their House the following Message Viz.

By the House of Delegates U. H. J.
October the 7th 1714

May It please your Excellency.

We the Delegates of this Province now assembled beg leave to return your Excellency our unfeigned Thanks for your most favourable Speech

The valuable proposals therein made (being of such Concern to the Province in General) cannot but make a deep Impression upon all who value or regard the Welfare of it: As an Instance of our ready Obedience to her Majesty's Commands & your Excellencys request we shall apply ourselves with our utmost diligence to assist in the Examination of the Laws of this Province in order to the Amendment of such as shall want it in the most expeditious manner and with as little Expence as possible

The Encouragement of Schools for the propagation of Learning the Advancement of the Tobo Trade and the ascertaining the Bounds of Land are things of such Consequence to this Province & so earnestly recommended to your Excellency that we think ourselves under a double Obligation of proceeding to consider & debate them in the manner proposed by your Excellency. We hope that in these and in all other p. 954 particulars, we shall sincerely Endeavour to perform our Duty to God & take due Care to acquitt our selves as dutiful and Loyal Subjects to our Sovereign and a grateful people to your Excellency & faithful Servants to our Country

Signed p order Thos Macnemara Cl Ho Del.

Mr James Macall & five others brought up the following Message Viz.

By the House of Delegates
October the 7th 1714

May it please your Excellency

Your Excellcy on the humble Address of this House of the second of July 1714 praying directions to be given her Majesty's Receivers to lay their Accompts of the 3d p Hhd applyed by her Majesty for purchasing Arms & Ammunition for the defence of this province, before this House this Session; was pleased to return in Answer thereto That directions were given the said Receivers accordingly, But the same not being as yet done we pray your Excellency's further directions about the same And that an Account of the Fines & Forfeitures received by the said Receivers be likewise laid before this House this Sessions

Signed p order Thos Macnemara Cl Ho Del.

U. H. J. His Excellency is pleased to say the Receivers have given in to him their Accompts of 3^{d} ꝑ hh^{d} for Arms, which He shall take Care will be layd before the House of Delegates

p. 955 And as to the Fines & Forfeitures Ordered that her Majesty's Receivers lay before this Board their Accompts of the Fines & Forfeitures by them received, And Ordered the following Message be sent to the Delegates

By his Excellency the Governour & Council in Assembly
October the 7th 1714

In answer to your Message by Mr James Macall and five others His Excell is pleased to say that her Majesty's Receivers have given in to him their Accompts of the Duty of 3^{d} ꝑ Hh^{d} for purchasing Arms which are herewith sent you And as to the Fines & Forfeitures the said Receivers are ordered to lay before this Board the Accompts of all Fines and Forfeitures by them received of which you shall have the Perusal

Signed ꝑ order W: Bladen Cl Coun.

The Board Adjourned till ten of the Clock to morrow morning

Friday October the 8th 1714

The Honourable Council Sate Present as yesterday with the Addition of Philemon Lloyd Esqr

Lt Col Tilghman Ward and five more brought from their House the following Message Viz.

By the House of Delegates
October the 8th 1714

May It please your Honours.

Your Message by the Honble Col Saml Young and Col Thos Addison of the 6th Inst^{t} with a Copy of the 22^{d} Article of her Majesty's Instructions to his Excellency being read This House in complyance therewith is resolved to View & inspect into the Laws of this Province and to Reenact &

p. 956 amend such as shall upon Consideration be found to require Retrenchment or Supplement. And for the more speedy Effecting the same We pray your Excellency & Hon^{rs} will appoint some members of your Honble Board to confer with some of this House to concert the Manner & Method for accomplishing the same

Signed ꝑ order Thos Macnemara Cl Ho Del.

Which being read resolved that such a Conference is neces- U. H. J.
sary, And that when the Delegates signify the Time and Place, And the names of their members they think fit to appoint to confer on this Subject. This Board will give directions to some of this Board to join with them

His Excellency the Governour having just now received from Mr Richard Moor of Philadelphia the Report of her Majesty's Demise on the first of August last, by a Letter to Mr Flower Post Master of Philadelphia is pleased to command Mr Philemon Lloyd & Lt Col Tilghman to go and aquaint Mr Speaker and the Delegates that he expects their immediate Attendance in the Council Chamber

Who return & say they have delivered their message. And Mr Speaker and the Delegates came up & his Excellcy with the Advice of the Board was pleased to bespeak them as follows Viz.

Mr Speaker and Gentlemen of the House of Delegates

We have too much reason to apprehend the Death of our most gracious Queen. It is thought fitt you do not proceed to any other Business save that of Settling the publick Levys p. 957

The Speaker & Delegates returned to their House

Mr Stoddert & Mr Hill brought from their House the following Message Viz.

By the House of Delegates
October the 8th 1714

May It please your Honours

His Excellency having directed us to waive all Business this Session but laying the publick Levy by reason of the doleful news of the Death of her sacred Majesty Queen Ann our Sovereign We desire your Honours to put in your Claims, that the publick Accompts may be stated being ordered that no Claims be received after ten of the Clock to morrow morning

Signed p order Thos Macnemara Cl Ho Del.

Resolved the following Message be sent to the Delegates

We do believe it advisable if all the publick Claims can be adjusted by to morrow noon and the Journal of the Committee of Accompts agreed to, It may be proper to make an Act of Assembly for levying the Charge & appoint three or four members of your House or more to join with some of this Board to apportion the respective Allowances in the several Countys

Signed p order W Bladen Cl Coun.

Sent by Mr Lloyd

U. H. J. It being considered that the Honble Col Nathaniel Blakiston has served this province to his utmost as their Agent, Resolved a Message be sent the House of Delegates to put them in
p. 958 mind of ordering his Sallary therefore

And the following Message was Sent to the Delegates

By the Governour & Council in Assembly
October the 8th 1714

We think fitt to remind you that whereas your have appointed the Honble Col Nathaniel Blakiston for your Agent at the Sallary of one hundred & twenty pounds p annum, He out of a generous Sense of the good Affection this province bears him has accepted It at the Rate of one hundred pounds p annum and done his very utmost for your Service. We therefore desire you will not fail to take Care and give Directions for the payment of his Sallary to his Attornys in this Province, so Soon as the same becomes due

Signed p order: W Bladen Cl Coun.

Major Hawkins & Capt Tripp brought from the Delegates the following message

By the House of Delegates
October the 8th 1714

We have before receipt of your Message by Philemon Lloyd Esqr given orders for adjusting the publick Claims with all convenient Speed & when that is done a Bill shall be prepared for impowering some of your Honble Board & some members of this House to apportion it which we hope may be done by the Time mentioned in your Message

Signed p order Thos Macnemara Cl ho Del.

Mr James Lloyd and Mr Lockerman brought up the following Message

p. 959 By the House of Delegates
October the 8th 1714

Your message about the prohibiting the Exportation of Indian Corn this present year being considered, this House acknowledges the same to be of great Importance and tending in all likelyhood to the welfare of this province of which your Excellency & Honours always shew your tender regard

We humbly offer the prohibiting the exportation from the tenth day of November till the tenth day of March next, and

by such means as to your Excellency and Honours shall seem U. H. J.
proper may be of Singular Advantage, At which time your Excellency may be informed whither It may be necessary to continue the said prohibition

Signed p order Thos Macnemara Cl Ho. Del.

And advised & Resolved that his Excellency be pleased to issue his Proclamation to that purpose

Mr Amos Garrett & Major Roger Woolford came & Saw Mr Rousby Sworn to his Naval Officers Accts

Mr Stoddert & Mr Fendall brought up the following message

By the House of Delegates
October the 8th 1714

Little Tobo being made this year & that the several Gentlemen that Serve the Country may be allowed some part of their Claims in mony rating tobo at a penny p pound, in order to bear part of their Expences & to ease the People of this Province we propose allowing every person attending the publick Service out of the publick Stock and desire to know whither your Honours will have such allowance made the p. 960
several members of your Board

Signed p order Thos Macnemara Cl Ho Del.

Which being read And It being considered that very small Crops of Tobo are made this year this Board agree thereto, And the following message sent to the House by Mr Hall

By the Council in Assembly
October the 8th 1714

On Consideration of your Message by Mr Stoddert and Mr Fendal This Board believing It will very much ease the Inhabitants are willing to take their Allowance as proposed by you

Signed p order W Bladen Cl Coun.

The Petition of Several Gentlemen of the Clergy who have officiated in the absence of Mr Gabriel D'Emiliane late Rector of Christ's Church parish in Calvert County

And the Petition of Ann D'Emiliane his Widow being read setting forth that whereas her late Husband had the leave of this Board & also of the Church Wardens and Vestry of his Parish to go for England on promise of some other Clergyman to officiate in his Absence Which has been complyed with. And It now being supposed that he is shipwrecked

U. H. J. She humbly prays that for the Relief of her & his three Children the 40 lb tobo p poll arising in that Parish should be payed her

Which being thought reasonable Ordered that the Sherriff of Calvert County pay unto the sd Mr Emilianes Administra-
p. 961 trix the whole 40 lb tobo arising in that Parish this year for the better Support and relief of the sd Mr D'Emilianes Widow & Children the sd Parish not being adjudged to be Vacant before this Instant

The Board adjourned until nine of the Clock to morrow morning

Saturday October the 9th 1714

The Hon̄ble Council Sate

Present

His Excellency the Governour

Col Edwd Lloyd	Col Thos Addison
Col Wm Coursey	John Hall Esqr
Col Wm Holland	Philemon Lloyd Esqr
Lt Col Saml Young	Lt Col Tilghman
Col Thos Greenfield	Capt John Dorsey

The Proclamation against Exporting of Grain being prepared & Read was approved of by the Board & forthwith issued being as followeth

By his Excellency the Capt General &c

A Proclamation

Whereas the Cropps of Indian Corn made this year within this Province afford but a very indifferent Prospect, least the winter season should prove Severe & many of her Majesty's Subjects here suffer by reason of the Export thereof I have by and with the advice of her Majesty's honble Council thought fit to issue this my Proclamation strictly charging & requiring all masters of Ships & Vessels or other Persons whatsoever that they do not presume after the tenth day of November next to lade on Board any Ship or Vessel any Quantity of Indian Grain with Intent to export the same until
p. 962 the tenth day of March next ensuing. By which Time It may probably be seen whither the necessity of the Province may admitt thereof; And I do hereby require the Several Officers of the Several Districts of this Province not to clear any Vessels loaden with Indian Grain except such as shall be loaden before the tenth day of November next

And that all Persons may have due notice & conform themselves accordingly, I do hereby Command & require the

respective Sherriffs of this Province to publish this my Proc- U. H J.
lamation in the most usual and frequented places of their Several Balywicks. Given at the City of Annapolis the 9th day of October in the thirteenth year of the Reign of our Sovereign Lady the Queen &c Annoq Domini 1714

L[t] Col Ward & five more brought up the following message Viz

By the House of Delegates
October the 9th 1714

This House having taken into Consideration the deplorable Condition of the Inhabitants of this Province who made little Tob[o] this year That being their only Staple & Fund to raise mony for discharge as well of the publick Levys as their private Debts and being willing to relieve them in their present Exigency and prevent the Imprisonm[t] of her Majesty's good Subjects of this her Province do propose the inserting a Clause in the Bill for apportioning the publick Levy this year that no Executions shall from the End of this Sessions to the p. 963
tenth day of November 1715 issue against the Body of any the Inhabitants of this Province

Signed p Order Thos Macnemara Cl Ho Del.

Which being read & Considered, and debated whither It be reasonable this Board should concur with the House of Delegates proposal Resolved nemine Contradicente that the same is against the Current of the Law and would introduce great Confusion & mischief so that thô his Excellency the Governour and Every Member of this Board are heartily desirous to Ease & favour the honest well meaning sort of People by giving their particular directions to the respective Sherriffs Yet they cannot consent to such a Law without the manifest Violation of the Trust & Duty in them reposed in Enacting a Law repugnant to the Laws of England as well as this Province

Ordered the foregoing Resolution be communicated to the House by Col Holland & Col Young who went & returned & say they delivered their Message

Advised that this General Assembly be prorogued for one month, And when his Excell[cy] has Judicial notice of her Majestys Demise They be dissolved by Proclamation

The Board adjourned for an Hour

Post Meridiem

The Council Sate present as before

It falling under the Consideration of this Board that upon

U. H. J. the Rumour of her Majesty's Death some Justices of several County Courts may be doubtful whither they have Sufficient
p. 964 power to hold their several County Courts. Ordered that notwithstanding the s[d] Rumour the Justices of the County Courts hold their Courts and proceed to do the Business of their respective Countys, All Officers in the Plantations being by an Act of the fourth & fifth year of the Queen's Reign continued in their respective Offices during six months after her Demise

M[r] John Rousby her Majesty's Receiver of the District of Patuxent appeared at the Board and It was ordered that the s[d] Receiver pay unto his Excellency John Hart Esq[r] Governour of this Province three full fourths of the one moiety of the 2[s] p hh[d] by him received

M[r] Hill and three more brought up the Journal of the Committee of Accompts which was read & assented to by the Council & sent to the House by Col Young

M[r] Greenfield & M[r] Brook brought up the Bill for assessing the publick Levy this present year Endorsed

Read by the Delegates the first & second time by special Order & will pass

And the s[d] Bill by especial Order being read in Council the first & second times & Endorsed will pass was sent to the House by Col Addison

M[r] Lockerman & M[r] Charles Wright brought up the Engrossed Bill for assessing the publick Charge of this Province & appointing a Committee for apportioning the same this present year 1714

Read & assented to by the House of Delegates which was likewise read & assented to by the Council

p. 965 And L[t] Col Tilghman was ordered to acquaint M[r] Speaker and the Delegates that the Council have Assented thereto And if they have not any other Business before them His Excellency directs them to attend him in Council.

The s[d] L[t] Col Tilghman returns & says he delivered his Message.

And immediately M[r] Speaker & the Delegates came & M[r] Speaker presented to his Excell[cy] the Governour the af[d] Bill for adjusting the publick Charge of this Province & appointing a Committee to apportion the same this present year 1714

To which Bill his Excell[cy] was pleased to give the royal Assent by Sealing the same under the great Seal used in this Province & Subscribing It Viz.

October the 9th 1714 U. H. J.

On the Behalf of her Sacred Majesty Queen Ann of Great Brittain I will This Be a Law

John Hart

After which his Excellency was pleased to prorogue the General Assembly until the tenth day of November next Ensuing And withal advised them that if any absolute occasion required that they should be convened at that Time, Every Individual member should have notice thereof by a particular Letter from the Clerk of the Council, Otherwise that they should not offer to come because they might depend they would be further prorogued. The notice whereof phaps might not this winter Season come to them in due time to prevent their Trouble. Thus Ended this fourth Session of Assembly

William Bladen Cl Coun.

PROCEEDINGS AND ACTS

OF THE

GENERAL ASSEMBLY

OF MARYLAND

At a Session held at Annapolis, Oct. 5–9, 1714.

CHARLES CALVERT, LORD BALTIMÓRE,
Proprietary.

JOHN HART,
Governor.

THE LOWER HOUSE OF ASSEMBLY.

Maryland ss.

L. H. J. No. 41 p. 471

At a Sessions of Assembly begun and held at the City of Annapolis in Ann Arundel County on Tuesday the fifth Day of October in the year of our Lord God one thousand seven hundred and fourteen being the second Sessions held after the Arrival of his Excellency John Hart Esq. Capt. General & Gov. in Chief over the said Province and Territories thereto belonging appeared the following Members Viz.

The Honble Robert Ungle Esqr Speaker

Saint Mary's County
Capt. Henry Peregrine Jowles
Capt. Thomas Trueman Greenfield
Mr Kenelm Chiseldine

Charles County
Colo Philip Hoskins
Major Walter Storey
Colo James Smallwood
Mr John Fendall

Kent County
Capt. Edward Scott
Capt. St Ledger Codd
Mr William Blay

Somerset County
Mr Samuel Worthington

Baltimore County
Colo James Maxwell

Dorchester County
Capt Henry Ennalls
Mr Govt Loockerman

Calvert County
Colo John Mackall
Mr James Mackall
John Rouseby Esqr
Mr Alexander Parran

Prince George's County
Major Thomas Sprigg
Mr James Stoddart

Talbot County
Colo Matthew Tilghman Ward
Mr James Lloyd
Mr Thomas Robins

Cecil County
Mr William Dare
Mr Matthew Vanderheyden

Ann Arundel County
Capt Daniel Mariarte
Mr Joseph Hill
Mr John Hammond
Mr Alexander Warfield

Queen Ann's County
Mr Charles Wright
Mr John Whittington
Major John Hawkins

City Annapolis
Mr Amos Garrett
Capt. Thos Docwra

L. H. J. No. 41

By the House of Delegates
October the 5th 1714

Ordered That Col° Matthew Tilghman Ward Col° Mackall Mr Worthington and Major Thomas Sprigg go to the Council Chamber and acquaint his Excy the Govr that a sufficient number of members to make a House is convened.

They return and say they delivered their Message.

p. 472 Col° Edward Lloyd and Col° Thomas Addison from the Hon̄ble Council enter the House and acquaint Mr Speaker that his Excy the Govr commands him and the House to attend him immediately in the Council Chamber.

Then Mr Speaker and the House went up to the Council Chamber to attend his Excy accordingly.

Then Mr Speaker with the House returned from the Council Chamber and Mr Speaker resumed the Chair. And it was Ordered That Col° Ward, Col° Mackall, Mr James Stoddart and Capt. Mariarte go up along with Mr John Rousby and Mr Alexander Parran two Delegates returned this Sessions to serve for Calvert County in the Room of Mr John Leach deceased, and Mr John Broome who since his Election accepted of the Place of high Sheriff of the said County with Col° James Maxwell a Delegate returned this Sessions for Baltimore County to serve in the Room of Mr William Talbott deced. Mr William Blay a Delegate returned this Sessions for Kent County to serve in the Room of Col° Edward Blay deced Mr John Hammond and Mr Alexander Warfield two Delegates returned this Sessions for Ann Arundel County to serve in the Room of Capt. Richard Jones and Major Charles Hammond dec̄d Major John Hawkins a Delegate returned to serve this Sessions for Queen Ann's County in the Room of Mr John Wells dec̄d to see them qualified by taking the usual Oaths appointed by several Acts of Parliament

They return and say they seen them qualified

Resolved That this House will sitt to do Business during this Sessions from nine O'Clock in the Morning till four O'Clock in the Afternoon.

Resolved and accordingly Ordered That every Member that does not appear at the second Call of the House over every Morning shall forfeit that Day's Allowance on which such Member disappears.

Col° Richard Tilghman from his Excy the Gov. having acquainted Mr Speaker that his Excy desires they will attend him by ten of the Clock to Morrow Morning to St Ann's Church to hear Divine Service imploring God's Blessing on

the Debates and Councils of this Assembly; Resolved That this House shall attend him accordingly. L. H. J. No. 41

The House adjourns till to Morrow Morning nine O'Clock.

Wednesday Morning 6th October 1714.

Then the House met again according to Adjournmt

The Governor's Speech being read it is Ordered to be entered as follows Viz.

Gentlemen of the Council, and Gentlemen of the House of Delegates.

I am commanded by her Majesty to revise the Laws of this Province to which I desire your Assistance in the most expeditious manner conveniently may be in Order to render so useful a work of as little Expence as possible to the Country. Whatsoever Indulgence you may reasonably expect from England in Favour of the Tobacco Trade there will still remain on your Parts to provide some useful Laws here to promote it. I am advised that if certain and convenient Places of Landing were appointed it would be of considerable p. 47 use and Benefit; that this Method would lower the Freight and give a ready Dispatch to the Shipping of your Tobaccoes in good Condition for an early Market which is the Life of your Commerce. The Public would likewise reap a great Advantage from hence by putting a Conclusion to the Sailors rolling of Tobacco Hhds and in some Places for many Miles. This Custom is not only destructive to Navigation but a Slavish Labour unworthy of the native Liberty of Englishmen. The many Law Suits that are occasioned by the Uncertainty of the Bounds and Limits of your Land calls for an immediate Remedy to so great and growing an Evil. Providence in his Bounty has blessed the Inhabitants of this Province with a numerous Issue but it is a deplorable Reflection that no better Provision is made for the Education of your Youth, there being but a slender Support for one School on the Western and none on the Eastern Shore of this so wide a Bay. I do earnestly recommend this (Gentlemen) to your Consideration being a Duty incumbent upon you, as you will acquit yourselves to God and the Queen like good Fathers and good Subjects.

Gent. of the Council and Gent. of the House of Delegates.

Nothing can facilitate the Dispatch of the Affairs before you this Sessions like a moderate Proceeding in your Debates: And when it shall so happen that you dissent in your Opinions,

L. H. J. No. 41 I make it my Request that you may express yourselves in such a manner as will rather evidence the Clearness of your Judgment than the warmth of your Resentm[t]

Jo. Hart

Ordered That Col[o] Ward, M[r] Worthington, Col[o] Mackall, M[r] Garrett, M[r] Robins, M[r] Loockerman, Capt. Colegate and M[r] Stoddart sit this Sessions as a Committee of Laws and are to prepare an answer to his Excys Speech according to the Instructions to be given and agreed on by the House.

Ordered that Col[o] Mackall, Capt. Jowles, Capt. Codd and Capt. Ennalls be a Committee of Elections and Privileges this Sessions.

Ordered That M[r] Tyler, M[r] John Whittington, Capt. Mariarte and Capt Trippe be and set as a Committee of Aggrievances. For the Committee of Accounts M[r] Joseph Hill, Capt. Scott, Capt. Greenfield and M[r] Thomas Brooke Jun[r] are appointed.

Ordered That M[r] John Rousby, Major Sprigg, Capt. Scott, and Major Hawkins in the Name of this House return Thanks to M[r] Henry Hall for the good Sermon he preached this Day before his Excy and the Members of this House in Saint Ann's Church.

On a Motion that M[rs] Mary Smithson Executrix of the last
p. 474 Will and Testament of Thomas Smithson Esq[r] deced late Treasurer of the Eastern Shore of this Province be called to an Account for what Money the said Thomas Smithson received for the publick Stock of this Province in his Life time and unaccounted for, It is Ordered That Robert Ungle Esq[r] present Treasurer of the Eastern Shore state and settle the Accounts of the Publick Stock received and unaccounted for by the said Tho[s] Smithson with her and secure the Payment of the Balance that he shall on such Stating find due to the Public in such manner and by such means as to him shall seem most proper M[r] Edward Stevenson a Member for Baltimore County appeared this Day in the House. M[r] Henry Trippe a Member for Dorchester County appeared this Day in the House, M[r] Robert Tyler a Member for Prince George's County appeared this Day in the House Col[o] Young and Col[o] Addison from the Honble Council enter the House and deliver M[r] Speaker the following Viz.

A Copy of one of her Majesty's Instructions.

Article 22[d] And that it may be the better understood what Acts and Laws are in Force in our said Province of Maryland, you are with the Assistance of our Council there to take Care that all Laws now in Force be revived and considered and if

there be any either in the Matter or Stile of them which may be retrenched or altered you are to represent the same unto us with your Opinion touching the said Laws now in Force whereof you are to send a compleat Body unto us and to our Commissioners for Trade and Plantations with such Alterations as you shall think requisite to the End our Approbation or Disallowance may be Signified thereupon. The above is a true Copy L. H. J. No. 41

Jo. Hart

By his Excellency the Governor and Council
October 6th 1714

Gent.

We send you herewith a Copy of one of her most sacred Majesty's Royal Instructions to her present Governor of this her Province wherein She is pleased to direct that all the Laws thereof should be revised and a compleat Body sent unto her Majesty and the Commissioners of Trade and desire you will give your Directions to that Purpose to the Committee of Laws

Signed p Order W Bladen Cl. Conl.

Which being read is ordered to be referred and considered of to Morrow Morning

Then the House adjourned till to Morrow Morning Nine O'Clock

Thursday Morning 7th 8ber 1714

Then the House met again according to Adjournment. Present as Yesterday.

Then was read what was done Yesterday p. 475

Then was read the Petition of the Vestry of King and Queen's Parish in Saint Mary's County referred to the Consideration of this Day and it is further referred to be considered of till Monday next and the Petitioners or Agents are to give Notice to Mr Cay Incumbent of Wm and Mary's Parish in Charles County to attend this House then to make his Objections if he has any against granting the Prayer of the Petition.

The Petition of Ezekiel Parr Prisoner in Cecil County Goal for Debt

The Petition of Peter Serval Prisoner in Calvert County Goal for Debt being read and the Question put whether Leave shall be given to bring in a Bill as prayed. Resolved That Leave be given to bring in a Bill for their Relief and

L. H. J. No. 41 Discharge from their Debts and Imprisonm[t] as in their Petitions prayed and the Committee of Laws is to prepare the same.

Then his Excys Speech was read and Instructions given to the Committee of Laws to prepare an Answer thereto which they are to bring in with all convenient Speed.

M[r] William Whittington Jun[r] a Member for Somerset County appeared this Day in the House.

Col[o] Mackall from the Committee of Elections and Privileges enters the House and makes the following Report Viz.

By the Committee of Elections and Privileges
October the 7th 1714

We find M[r] James Maxwell upon due Examination to be duly elected a member for Baltimore County according to Law

Signed p Order Jo. Beale Clk.

By the Committee of Elections and Privileges
October the 7th 1714

We find M[r] John Hawkins upon due Examination to be duly elected a Member for Queen Ann's County according to Law.

Signed p Order Jo. Beale Clk.

By the Committee of Elections and Privileges
October the 7th 1714

We find John Rousby Esq[r] upon due Examination to be duly elected a member for Calvert County according to Law but the Sheriff hath not sent the writ according to the Tenor thereof

Signed p Order Jo. Beale Clk.

By the Committee of Elections and Privileges
October the 7th 1714

We find M[r] Alexander Parran upon due Examination to be duly elected a Member for Calvert County according to Law but the Sheriff hath not sent the Writ according to the Tenor thereof.

Signed p Order Jo. Beale Clk.

By the Committee of Elections and Privileges
October the 7th 1714

We find M[r] Alexander Warfield upon due Examination to

be duly elected a Member for Ann Arundel County according to Law but the Sheriff hath not returned the Writ according to the Tenor thereof L. H. J. No. 41

Signed p Order Jo. Beale Clk.

By the Committee of Elections and Privileges p. 476
October the 7th 1714.

We find Mr John Hammond upon due Examination to be duly elected a Member for Ann Arundel County but the Sheriff hath not sent the writ according to the Tenor thereof

Signed p Order Jo. Beale Clk.

By the Committee of Elections and Privileges
October the 7th 1714.

We find Mr William Blay upon due Examination to be duly elected a Member for Kent County according to Law.

Signed p Order Jo. Beale Clk.

Mr Thomas Brookes Junr a Member for Prince George's County appeared this Day in the House.

Colo Hoskins and Major Walter Storey are sent along with Mr Phelps Naval Officer of Potowmack to see him prove his Accounts.

They return and say they see him prove his Accounts.

Mr Samuel Worthington from the Committee of Laws delivers Mr Speaker an Answer prepared to his Excy's Speech which being read was approved of by the House and ordered to be entered as foll. Viz.

By the House of Delegates
October the 7th 1714

May it please your Excellency

We the Delegates of this Province now assembled beg Leave to return your Excy our unfeigned Thanks for your most favourable Speech The valuable Proposals therein made (being of such Concern to the Province in General) cannot but make a deep Impression upon all who value or regard the Welfare of it. As an Instance of our ready Obedience to her Majesty's Commands and your Excy's Request we shall apply ourselves with our utmost Diligence in the Examination of the Laws of the Province in Order to the Amendment of such as shall want it in the most expeditious manner and with as little Expence as possible. The Encouragement of Schools for the propagation of Learning the Advancement of the

L. H. J. No. 41 Tobacco Trade and the ascertaining the Bounds of Land are Things of such Consequence to this Province and so earnestly recommended by your Excy that we think ourselves under a double Obligation of proceeding to consider and debate them in the manner proposed by your Excy. We hope that in these and all other particulars we shall sincerely endeavour to perform our Duty to God, and take to acquit ourselves as dutiful and loyal Subjects to our Sovereign as a grateful People to your Excellency and faithful Servants to our Country.

Signed p Order Tho. Macnemara Cl. Ho. Del.

p. 477 Sent up to his Excy the Governor by Mr Tyler, Mr Rousby, Major Sprigg, Mr Alex^r^ Parran, Mr James Lloyd, Major Hawkins, Capt Edwd Scott and Capt. Ennalls.

They return and say they delivered the same.

The following Message being prepared was read and approved of and ordered to be entered Viz.

By the House of Delegates
7th October 1714

May it please your Excellency,

Your Excellency (on the humble Address of this House) of the second of July 1714 praying Directions to be given her Majesty's Receivers to lay their Accounts of the three Pence p Hh^d^ applyed by her Majesty for purchasing Arms and Ammunition for the Defence of this Province) before this House this Sessions, was pleased to return in Answer thereto, that Directions were given the said Receivers accordingly. But the same not being as yet done, we pray your Excys further Directions about the same, and that an Account of the Fines and Forfeitures recēd by the said Receivers be likewise laid before this House this Sessions.

Signed p Order Thos Macnemara Cl. Ho. Del.

The same is sent up to his Excy by Mr James Mackall Col^o^ Maxwell, Mr Warfield, Capt Trippe, Capt. Ennalls and Mr William Blay.

They return and say they delivered it.

The House adjourns till to Morrow Morning nine O'Clock.

Friday Morning 8th October 1714

Then the House being called over met. Present as Yesterday.

Then was read what was done Yesterday.

The following Message being read, was ordered to be entered as follows. Viz. L. H. J. No. 41

By the House of Delegates
October the 8th 1714

May it please your Excy and Honrs

Your Message by the Honble Colo Saml Young and Colo Thomas Addison of the 6th Instant with a Copy of the 22d Article of her Majesty's Instructions to his Excy being read, this House in Compliance therewith is resolved to view and inspect into the Laws of this Province and to reenact and amend such as shall on Consideration be found to want Retrenchment or Supplemt and for the more speedy effecting the same we pray your Excy and Honours will appoint some Members of your Honble Board to confer with some Members of this House to concert the manner and method for accomplishing the same.

Signed p Order Tho. Macnemara Cl. Ho. Del.

The same is sent up by Colo Ward, Colo Mackall, Mr Tyler, Mr Worthington, Mr Stoddart and Mr Robins. p. 478

They return and say they delivered their Message.

Mr Edward Boteler Clk of Calvert County Court having produced the Record Book complained of to be embezzled before this House and the same being examined; It is the Opinion of this House that there is an Embezzlement made, but the Relief of the Petitioner Roger Boyce is further to be considered of next Sessions of Assembly.

Colo Richard Tilghman from the Honble Council enters the House and delivers Mr Speaker the following Message Viz.

By his Excy the Govr and Council
October the 8th 1714.

Gent.

It being offered to this Board that very indifferent Crops of Indian Corn have been made this psent year, his Excy desires you will give your Advice whether it may not be fit to prohibit the Exportation of Indian Grain for some months until it may be the better judged whether the Province can subsist themselves and spare any for Exportation.

Signed p Order W Bladen Cl. Conl.

Philemon Lloyd Esqr and Colo Richard Tilghman Esqr from the Honble Council enter the House and acquaint Mr Speaker

L. H. J. No. 41 that his Excy the Gov. commands this House immediately to attend him in the Council Chamber.

The House accordingly adjourns to the Council Chamber.

Then the House met again and Mr Speaker reported to the House that his Excy the Gov. was pleased to direct that this House should wave doing any other Business but laying the Levy this Sessions in Regard that he had seen some Prints giving an Account of the Queen's Death.

The following Message was prepared and sent to the Council and ordered to be entered as follows Viz.

By the House of Delegates
October the 8th 1714

May it please your Honours,

His Excy having directed us to wave all other Business this Sessions but laying the publick Levy by Reason of the doleful news of the Death of her Sacred Majesty Queen Ann our late Sovereign, desire your Honours to put in your Claims that the publick Accounts may be stated, it being ordered that no Claims be received after ten of the Clock to Morrow Morning

Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up to the Hon̄ble Council by Mr Stoddart and Mr Hill

They return and say they delivered their Message.

p. 479 Mr Roger Woolford a Member for Dorchester County appeared this Day in the House.

Philemon Lloyd Esq. from the Hon̄ble Council enters the House and delivers Mr Speaker the following Message Viz.

By the Council in Assembly
October the 8th 1714.

We do believe it advisable if all the publick Claims can be adjusted by to Morrow Morning and the Journal of the Committee of Accounts agreed to. It may be proper to make an Act of Assembly for levying the Charge and appointing three or four or more of the Members of your House to join with some of this Board on Monday next to apportion the respective Allowances in the several Counties

Signed p Order W. Bladen Cl. Conl.

Ordered That the following be returned as an Answer thereto Viz.

By the House of Delegates
October the 8th 1714

L. H. J. No. 41

We have before the Receipt of your Message by Philemon Lloyd Esq. given Orders for adjusting the publick Claims with all convenient Speed and Resolved when that is done that a Bill shall be then prepared for impowering some of your Hon̄ble Board and some Members of this House to apportion it, which we hope may be done by the Time mentioned in your Message.

Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up by Major Hawkins and Capt. Trippe.

They return and say they delivered their Message.

The following Message was ordered to be prepared and entered as follows Viz.

By the House of Delegates
October the 8th 1714

Your Message about the prohibiting the Exportation of Indian Corn this present Year being considered this House acknowledges the same to be of great Importance and tending in all likelihood to the Welfare of this Province of which your Excy and Honours always shew your tender Regard We humbly offer the prohibiting the Exportation from the tenth Day of November till the tenth Day of March next by such Means as to your Excy and Honours shall seem proper may be of singular Advantage. At which Time your Excy may be informed whether it may be necessary to continue the said Prohibition.

Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up by M James Lloyd and Mr Govert Loockerman

They return and say they delivered their Message.

Col° William Holland from the Hon̄ble Council enters the House and delivers Mr Speaker the following Message Viz.

By the Governor and Council in Assembly
October 8th 1714

p. 480

We think fit to remind you that whereas you have appointed the Hon̄ble Col° Nathaniel Blackistone your Agent at the Rate of one hundred and twenty Pounds p Annum he out of a generous Sense of the good Affection this Province bears him has accepted it at the Rate of One hundred Pounds p Annum and done his very utmost for your Service. We therefore

L. H. J. No. 41 desire you will not fail to take Care and give Directions for the Paym^{t} of his Salary to his Attorneys in this Province so soon as the same becomes due

Signed p Order W. Bladen Cl. Conl.

Mr Amos Garrett and Major Woolford are sent up to the Hon̄ble Council to see John Rousby Esqr prove his Accounts.

They return and say they see him prove the same.

The following Message was ordered to be prepared and entered as follows Viz.

By the House of Delegates
8th October 1714

Little Tobacco being made this Year and that the Several Gent. that serve the Country may be allowed some Part of their Claims in Money rating Tobo. at one Penny p Pound in Order to bear Part of their Expences and to ease the People of this Province we propose to allow every pson attending the publick Service out of the publick Stock three Pounds and desire to know if your Honours will have such Allowance made the several Members of your Board.

Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up by Mr James Stoddart and Mr John Fendall.

They return and say they delivered their Message

All References referred to this Sessions of Assembly are further referred to the Consideration of the next Sessions of Assembly.

Ordered, That Summons issue to Mr Jonathan Cary of Charles County, Clerk, to appear before this House next Sessions to shew Cause (if he has any) why New Port Hundred, Part of William and Mary's Parish in Charles County should not be remited to King and Queen's Parish in St Mary's County.

John Hall Esqr from the Hon̄ble Council enters the House and delivers Mr Speaker the following Viz.

By the Council in Assembly
October the 8th 1714

On Consideration of your Message by Mr Stoddart and Mr Fendall this Board believing it will very much ease the Inhabitants are willing to take their Allowances as proposed

Signed p Order W. Bladen Cl. Conl.

p. 481 The House adjourns till to Morrow Morning Eight O'Clock.

Saturday Morning 9th October 1714 L. H. J. No. 41

Then the House met again according to Adjournment.

Ordered That Mr William Watts, a Member for Saint Mary's County shew Cause next Sessions of Assembly why he did not attend the Service of this House this psent Sessions.

The following Message being prepared was read and ordered to be entered as follows Viz.

By the House of Delegates
9th October 1714

This House having taken into Consideration the deplorable Condition of the Inhabitants of this Province, who made little Tobacco this Year, that being their only Staple and Fund to raise Money for discharging as well of the publick Levy as their private Debts, and being willing to relieve them in their present Exigence, and prevent the Imprisonment of her Majesty's good Subjects of this her Province, do propose the inserting a Clause in the Bill for proportioning the publick Levy this Year, that no Execution shall, from the End till the tenth Day of November one thousand seven hundred and fifteen issue against the Body of any the Inhabitants of this Province

Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up by Colo Ward, Mr Stoddart, Mr Lloyd, Mr Amos Garrett, Capt. Codd and Mr Samuel Worthington.

They return and say they delivered their Message.

Colo William Holland and Colo Samuel Young from the Hon̄ble Council enter the House and deliver Mr Speaker the following Message Viz.

By his Excy the Govr and Council in Assembly
9th October 1714

On Consideration of your Message by Lieut. Colo Ward and five others of your House it has been debated at this Board whether we should concur with your Proposal therein that a Clause should be inserted in the Bill for levying the publick Charge that no Execution shall from the End of this Sessions to the tenth Day of January one thousand seven hundred and fifteen issue agt the Body of any the Inhabitants of this Province. And it is Resolved (nemine contradicente) that the same is against the Current of the Law and would introduce great Confusion and Mischief. So that tho' his Excy the Govr and every Member of this Board are heartily

L. H. J. No. 41 desirous to ease and favour the honest well meaning sort of People by giving their particular Directions to the respective Sheriffs. Yet they cannot consent to such a Law without the manifest Violation of the Trust and Duty in them reposed in Enacting a Thing repugnant to the Laws of England as well as this Province.

Signed p Order W. Bladen Cl. Conl.

p. 482 Ordered That Major Woolford be allowed this present Year the Sum of Eight Pounds in Part for a Flagg Staff; and that the Hon̄ble Robert Ungle Esq. Treasurer of the Eastern Shore pay it and on his erecting the same and finding Cedar Frame he is to be allowed the Sum of Eight Pounds more the next Year.

Ordered That Capt Daniel Mariarte and Major Woolford go up to the Hon̄ble Council to see William Blayden Esq. prove his Accounts.

They return and say they see him prove the same.

The Petition of Richard Young praying that his Allowance may be paid him this present Year in Ann Arundel County was read and granted.

The Committee of Accounts enter the House and deliver Mr Speaker their Journal which is read and assented to and ordered to be thus indorsed Viz.

Read and assented to, by the House of Delegates and
Signed p Order Tho. Macnemara Cl. Ho. Del.

Sent up to the Hon̄ble Council by Mr Joseph Hill, Capt. Scott, Captain Greenfield and Mr Thomas Brooke.

They return and say they delivered the same

Col^{o} Samuel Young from the Hon̄ble Council enters the House and delivers Mr Speaker the Journal of the Committee of Accounts thus indorsed Viz.

Read and assented by her Majesty's Hon̄ble Council and
Signed p Order W. Bladen Cl. Conl.

A Bill for adjusting the publick Charge of this Province and appointing a Committee to apportion the same for this present Year one thousand seven hundred and fourteen Read the first and second Time by special Order and ordered to be thus indorsed Viz.

By the House of Delegates
9th October 1714

L. H. J. No. 41

Read the first and second Time by especial Order and will pass

Signed p Order Tho: Macnemara Cl. Ho. Del

Sent up by Capt. Greenfield and Mr Brooke.

They return and say they delivered the same.

Col° Thomas Addison from the Hon̄ble Council enters the House and delivers Mr Speaker the Bill for adjusting the publick Charge of this Province and appointing a Committee to apportion the same for this present Year one thousand seven hundred and fourteen.

By the Council in Assembly
October the 9th 1714

Read the first and second Time by especial Order and will pass.

Signed p Order W. Bladen Cl. Conl.

The same was read again and ordered to be ingrossed p. 483

An ingrossed Bill for adjusting the publick Charge of this Province and appointing a Committee to apportion the same for this present Year One thousand seven hundred and fourteen was read and assented to by the House of Delegates and Ordered to be indorsed thus Viz.

By the House of Delegates
Oct[r] the 9th 1714.

Read and assented to by the House of Delegates and

Signed p Order. Tho. Macnemara Cl. Ho. Del.

Sent up by Mr Govert Loockerman and Mr Wright

They return and say they delivered the same

Col° Richard Tilghman from the Hon̄ble Council enters the House and delivers Mr Speaker the ingrossed Bill for adjusting the publick Charge of this Province and appointing a Committee to apportion the same for this present Year One thousand seven hundred and fourteen thus indorsed Viz.

By the Council in Assembly
October the 9th 1714

Read and assented to by her Majesty's Hon̄ble Council, and

Signed p Order W Bladen Cl. Conl.

L. H. J. No. 41 And also acquaints him that his Excy the Gov. requires him and the whole House to attend him in the Council Chamber to see the said Law sealed and his Excy pass the Royal Assent thereto. The House accordingly adjourns to the Council Chamber where Mr Speaker presented to said Bill to his Excy the Governor for the Royal Assent to be given thereto Viz.

A Bill for adjusting the publick Charge of this Province and appointing a Committee to apportion the same for this present Year One thousand seven hundred and fourteen. Which said Bill his Excy the Gov. was pleased to Enact into a Law by sealing the same with the great Seal of this Province and indorsing it in the following Manner Viz.

October the 9th 1714

On Behalf of her Sacred Majesty Queen Ann of Great Britain &ca I will this be a Law

Jo. Hart.

After which his Excy the Gov. was pleased to declare that with the Advice of her Majesty's Hon̄ble Council he thought fit to prorogue this present General Assembly till the tenth Day of November next to which Time they were accordingly prorogued. Afterwards Mr Speaker with the Rest of the
p. 484 Members of the House of Delegates returned to their own House and then Mr Speaker resumed the Chair and reported to the House that his Excellency the Governor with the Advice of her Majesty's Hon̄ble Council had prorogued the general Assembly till the tenth Day of November next to which Time this House prorogues itself. So endeth this present Sessions of Assembly being the [second] Session on the Ninth Day of October One thousand seven hundred and fourteen

Test Tho. Macnemara Cl. Ho. Del.

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